

# The Brooklyn Paper

Including The Brooklyn Heights Paper, Carroll Gardens-Cobble Hill Paper, DUMBO Paper, Fort Greene-Clinton Hill Paper and Downtown News

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## BEHIND CLOSED DOORS

### Bruce and Marty's private meetings

#### Beep locks out anti-arena folks

By Jess Wisloski  
The Brooklyn Papers

Borough President Marty Markowitz invited leaders of a select few groups and elected officials to a closed-door meeting Wednesday to "participate in dialogue" about developer Bruce Ratner's Atlantic Yards project, leaving critics of the plan out in the cold.

The media was also barred. A small group of protesters showed up outside Borough Hall for the 4 p.m. meeting to draw attention to Markowitz's perceived blacklisting of groups outspoken in their condemnation of the Forest City Ratner proposal to build a basketball arena, housing and office skyscrapers.

"This thing is really a sock in the face," said Patti Hagan, co-founder of the Prospect Heights Action Coalition. "PHAC, Brooklyn Vision, Development's Destroy Brooklyn, all these groups have been working relentlessly for more than a year to bring this problem to people's attention, especially the lack of process."

She stood outside with fliers outlining the footprint of the planned development area, and tried to engage anyone headed towards Borough Hall in discussion.

The 24-acre plan, which would engulf a substantial portion of Prospect

**DONE DEAL**  
Bruce's deal with state nearly complete  
See page 7

Heights stretching from the intersection of Flatbush and Atlantic avenues, has spurred the creation of neighborhood associations, employment and housing advocacy groups, and development coalitions over the past year since it was announced.

A Markowitz aide said those were exactly the groups they tried to avoid bringing into the meeting, and instead favored "neutral" and "longstanding civic associations" that were not arena-specific. Borough Hall spokesman Michael Kadish described the exclusion as a measure to sidestep overly contentious discussion and avoid drifting off topic, which he said was about the "process of offering community input" to the developer and the state, which is expected to lead the application through environmental review.

"We're coming up with a way that the community can have input to this," said Kadish, and indicated that the other groups would be part of the process.

Still, the select attendees of the private community meeting could not avoid the topic of exclusion.

When Downtown-Brooklyn Heights



Borough President Marty Markowitz, former New York Knick Bernard King, and mega-developer Bruce Ratner at last October's announcement of plans to bring the New Jersey Nets to Brooklyn.

Councilman David Yassky left the meeting at 5:30 p.m. Hagan approached him and asked what was going on inside.

"Well, right now they're discussing the need for broader participation," he said.

Hagan asked Yassky's own thoughts on the plan.

"I'd like to see it come in and done right," he replied. "I'd like to see it

done smaller." Yassky said he wanted to see a secure plan for traffic, but that the meeting wasn't really discussing that.

"We never really got to substance, but we talked about process and community outreach," he said.

Duke Saunders, a 40-year resident of Prospect Heights and head of the Vanderbilt Avenue Merchants Association, who ducked out of the meeting momen-

tarily, informed the group outside, "You have infiltrators," saying their exclusion was the predominant topic of discussion later in the meeting.

Saunders, who is also involved with BUILD, a job advocacy group in negotiations with Forest City Ratner for a community benefits agreement (see story at right), which was also excluded from the meeting, said the general feel-

See **MARTY** on page 17

#### EXCLUSIVE

#### Ratner invites chosen few to draft agreement

By Jess Wisloski  
The Brooklyn Papers

For the past two months, community board leaders, Borough Hall staffers and members of select organizations have been attending closed-door meetings with developer Bruce Ratner to negotiate a contract that would guarantee certain benefits to the communities surrounding his Atlantic Yards site.

The so-called community benefits agreement, or CBA — which is said by both Forest City Ratner and sources involved in the negotiations to be swiftly approaching a final form — would include a labor agreement negotiated with unions to guarantee that a quarter of the construction jobs generated by the project go to local residents.

But judging by reactions to news of the agreement this week, community members, both those in favor of and those against the Atlantic Yards plan — which includes a basketball arena, 4,500 units of housing and three office skyscrapers — don't feel either represented or included.

Ideas of having a CBA have been whispered since Ratner announced his plan late last year. The term community benefits agreement came from an initiative to hire locally for the development of the Staples Center basketball arena in downtown Los Angeles, and this would be the first of its kind on the East Coast.

Forest City Ratner's version promises that 50 percent of the rental and condominium apartments will be "affordable housing" for various incomes, that there will be a minimum hiring

See **RATNER** on page 17

## Should I stay or should I go?

#### Smith St. bar owner asks nabe to decide



A Boudoir Bar patron fills out ballot and places it into the box. Final tally will determine if bar moves, says owner.

By Jess Wisloski  
The Brooklyn Papers

Talk about democracy in action.

The self-proclaimed "sexiest little bar in Brooklyn," the Boudoir Bar on Smith Street in Carroll Gardens is asking patrons, neighborhood residents and everyday passersby to vote on whether the bar should stay in its current location, or move out.

A piece of paper taped to its front glass display window — amid the regular notices advertising live burlesque, comedy shows and musical performers — provides an open call to the neighborhood to vote by "secret ballot" on the sometimes risqué bar's fate.

The reason for the referendum, says Boudoir Bar's owner, Garrett McConnell, is the result of increasingly costly fines the bar near Sackett Street has been incurring.

McConnell, who opened the bar in June 2001, said that while they had always dealt with complaints of noise from neighbors, not to mention dirty looks from some who just pass by and get an eyeful of their bustier-clad mannequins in the window, there has recently been a "continual barrage of complaints."

See **BOUDOIR** on page 17



#### Hot enuff for you?

By Lisa J. Curtis  
GO Brooklyn Editor

Because of the burning success of past Chile Pepper Fiestas, this year's annual event at the Brooklyn Botanic Garden has doubled in length. Chile-heads will overrun the normally genteel garden for two days, this Saturday and Sunday — Oct. 2-3 — as they celebrate the harvest, culinary uses and cultural significance of these spicy little numbers.

More than 60 Chile-inspired acts, representing the worldwide love of the Chile pepper, will be on hand, including the off-Broadway Korean percussion troupe "Cookin'"; the 13-piece Haitian dance band, Tabou Combo; and the Delta blues-New Orleans swing trio the Wypos.

While bug expert Mike Bolane of the Department of Agriculture answers questions about insects

that threaten Chile peppers and how to protect your spicy crops, chef Roberto Santibanez, of Rosa Mexicano restaurant in Manhattan, will demonstrate how to make "Salsa Mexicana," and the Tourism Authority of Thailand will host demonstrations of the art of Thai fruit and vegetable carving.

Kids can learn to appreciate the food-thatis-you-back with Chile pepper-inspired crafts, a temporary tattoo parlor and educational workshops just for them.

Not even inclement weather could put a damper on this fiery fiesta which will be held rain or shine, from noon to 5:30 p.m. on both days. The fiesta is free with garden admission (\$5, \$3 students and seniors, free children under 16). Enter the garden at Washington Avenue and Eastern Parkway in Prospect Heights. For more information, visit [www.bbg.org](http://www.bbg.org) or call (718) 625-7353.

**GO BROOKLYN**  
BEANS ON PAGE 9



Mayor Michael Bloomberg, Mel Brooks and Gov. George Pataki at the Brooklyn Navy Yard on Tuesday, where Brooks announced he will film his musical re-make of "The Producers."

## Navy Yard named 'Producers' home

By Michael Weissenstein  
Associated Press

Mel Brooks said Tuesday that he will shoot the film version of his hit Broadway musical "The Producers" at a new movie studio in the Brooklyn Navy Yard.

City and state officials hailed the announcement as a sign that the recently opened Steiner Studios was succeeding in its quest to draw more film production to New York.

City officials have bemoaned the loss of film and television production work to the West Coast and Canada production costs are often lower.

"The Producers: The Movie Musical" is a \$45 million production to star Nathan Lane, Matthew Broderick, Nicole Kidman and Will Ferrell. It begins shooting in late February, Brooks said.

Mayor Michael Bloomberg and Gov. George Pataki credited new state and local tax credit programs with attracting Brooks' film to New York.

Mayor Bloomberg said, "Every year, hundreds of films and television shows use our city as a backdrop, and these productions play a huge part in our local economy generating \$5 billion a year as well as 100,000 jobs ... that's why we invested about \$28 million in infrastructure improvements at the Navy Yard to spur development of Steiner Studios."

Brooks, a Brooklyn native, shot the 1968 film original "The Producers" in the city. He said that the new incentives helped persuade him to shoot in New York.

Then he focused on another reason. "The biggest, just the biggest alone," Brooks said. "You go to Toronto, they're mushy."

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**BROOKLYN HEIGHTS SINCE 1976**

# Fishs Eddy sidewalk sale reeling them in

By Jess Wisloski  
The Brooklyn Papers

It's an unusual scene even for bustling Montague Street but one that has become familiar over the past couple of weeks: Like a school of minnow, shoppers swarm at the corner of Clinton Street as soon as the proprietors of a shop that has yet to open set out their sidewalk tables.

The hook: basic white and glass dishware for sale at below-bargain-basement prices. Fishs Eddy, a local chain store featuring mostly kitschy dishware, silverware and glassware, won't open at 122 Montague St. until November, but in a bit of either brilliant marketing or the realization of a large overstock, the retailer is in the meantime displaying dishes bazaar-style in front of their gutted and under renovation storefront.

Within moments of setting up a couple of wooden tables each morning salespersons are busy with customers handling the bowls, carafes, glasses and crockery, and forming the line of buyers that lasts throughout most of the day.

While most of their offerings are run-of-the-mill overstock (plain white cereal bowls, glass butter dishes and a variety of airline silverware scrapped for plastic after 9-11), the appeal to passersby is the giant marked-down prices, which are scrawled out in marker on the surface or on cardboard tags sticking out above: \$1 for a plate, 50 cents for a bowl, \$2 for a tumbler.

And though it's the low prices that are the real bait, the new store will also feature dishware sets with original designs that made the little store, named after an upstate fishing town, a shoppers' eddy.

"We've opened 15 stores over the 20 years we've been open, and we've never had a response like this," said David Lenovitz, 44, who with his wife, Julie Gaines, owns the Fishs Eddy chain of shops that will fill the space where Montague News, a newspaper,



The new Fishs Eddy store, in the former Montague Street Saloon at Montague and Henry streets, is holding ongoing sidewalk sales in advance of the store's opening.

magazine and party supplies store, most recently stood. For 20 years, until 2001, the site was home to the Montague Street Saloon.

Lenovitz said the company's been looking to expand into Brooklyn for a few years but hadn't been lucky in finding something right for their typically boxy, open, warehouse-like display room. When 122 Montague St. became available, they snapped it up before it even hit the market. This will be the couple's fifth store in New York City.

"We're so excited to be here, this is a fantastic neighborhood for Fishs Eddy," Lenovitz said, while opening cartons of merchandise. "We feel at home already."

"This is sort of the heart of Brooklyn," he added. Though the store's canvas tote bags, hanging from the canopy outside the soon-to-be shop, echo their Manhattan roots — a black cartoon sketch of the Manhattan skyline — Lenovitz was emphatic

about bringing the store to Brooklyn and assured there was a Brooklyn pattern for totes and dishes alike.

"It's going to be gorgeous," he said assuredly. "It's in the works right now but will be here for the opening."

Dena Gaines, 23, who works at an Upper East Side Fishs Eddy, lives in Cobble Hill and is one of the handful of employees who were pulled in from the other shops to work the preview sales, which set out every morning around 11 a.m. The store's hours will be 10 a.m. to 9 p.m. daily.

"Basically, this is just surplus and overstock," she said, and pointed out the small logo-embossed knives and forks, airline flatware rejected by Northwest Airlines, U.S. Air and Pan Am in a terror-conscious world.

A couple standing in front of the makeshift shop eyed the wares as Gaines set them out. "If you can guess what this is I'll give you a deal," she told them, gesturing at the half-

cylinder dishes she arranged on the display table underneath the store's awning.

The husband and wife laughed. "A haggette plate?" said the man.

Gaines shook her head. "Olive tray," she said, setting out the sign.

Nicole Skalla, 27, a Brooklyn Law School student, seemed resigned to her purchase of wineglasses.

"They're boring, but they're OK," Skalla said to a friend as she carried the box set to the cashier. She said she'd heard about the store's opening from a friend who had passed by and seen the frenzy earlier in the weekend. "It's a good deal," she said, as she forked over \$8 for the set of four, which she was buying to replace her roommate's, which she broke.

At such low prices, do people still try to bargain?

"They do — but they can't," Gaines said firmly. "It's already discounted, and it's always a bargain."

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# Acura headlights target in heights

By Jess Wisloski

Headlights were stolen from several cars in Brooklyn Heights within just a few days. All were Acuras, which feature expensive Xenon headlights, worth about \$2,000 a pair.

A Queens woman, 72, found the headlights to her black, 2003 Acura, parked on Henry Street near Orange Street, missing when she returned to it at 10:30 pm on Sept. 19. She had parked the car at 9:20 pm. The front fenders were also damaged by the theft.

On the same night, a 19-year-old woman who lives on Pennington Street near Henry Street went to retrieve her father's car, which she'd left at 8 pm parked on the northeast corner of Henry and Montague streets. At 12:30 am, she discovered that the fenders of her dark green, 1999 Acura were damaged and the Xenon headlights missing.

Another person, parked on Henry Street between Poplar and Middagh streets, returned to his car on Sept. 17 at 2 pm, only to find that overnight, the headlights of his green, 2002 Acura were stolen.

**Ride 'n' snatch**  
An Australian woman, in town for a visit, was disembarking the footpath of the Brooklyn Bridge at Tillary Street on Sept. 21 at 7 pm, when she was robbed of a necklace by a hawkeyed man on a bike who yanked it off her and continued to pedal away.

**Gone fishing**  
A DUMBO woman parked on the northeast corner of Front and York streets left her 2000 Chevrolet on Sept. 20 at 6 pm and returned two days later to find the pile of fishing gear she'd left inside stolen.

On Sept. 22 at 12:30 pm, her

## 84/76 BLOTTER

Hubbard noticed that the front passenger-side window had been broken, and the fishing rods, lines, duffel bag, digital camera, plastic tackle boxes, pens, first aid kit, and radar detector had all been stolen.

She valued the total at \$10,000.

**Blames self**  
A 37-year-old Boerum Hill man came home to his Carroll Street apartment between Clinton and Henry streets to find it had been broken into.

The man was returning from a dinner out at midnight on Sept. 25, when he noticed the rear window in the kitchen was wide open. Though he'd only left the house at 9:45 pm, someone came into the apartment and made off with \$10 in coins and a DVD-VCR unit worth \$200.

He told police, however, that it may have been his own fault: he left the door and windows unlocked.

**Red Hook mug**  
A 58-year-old Red Hook man was mugged by a gang of men wearing black hooded sweatshirts as he worked on Sullivan Street toward Van Brunt Street on Sept. 19.

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ington streets, after leaving a bar around 5 am.

The victim told police two men approached him after he left the bar, one of who pointed a silver 9-mm gun at him and demanded his vehicle. In fear for his life, he complied with the demands of the two men, but not to their good fortune.

Five minutes later, they were involved in a car accident at the corner of Pearl and Willoughby streets.

**AM bike thief**

A 52-year-old man parked his motorcycle on Remsen Street between Court and Clinton streets on Sept. 22 at 8 am, only to find it stolen when he returned.

When the man went to fetch his bike three hours later, the black, 1993 Honda was gone, along with his black helmet, red rain jacket and matching pants that were stored inside an attached compartment.

**Company scam**  
A victim discovered last week that from May 2001 through October 2003, they were embezzled out of \$76,000 by a long-gone employee who held sole accountability for their finances, police say.

The alleged grand larceny was reported to police on Sept. 20 by the firm, located on Water Street between Jay and Bridge streets.

Over the course of his 27-month stint with the company, up until he left in 2003, the suspect, 48, was in charge of setting up the payroll system. It is illegal that he arranged his own automatic payroll so it left a fat check in his pocket every pay period, the company charges, and his crime wasn't discovered until a recent examination of the payments.

**TA worker busted**

A New York City Transit worker was arrested on Sept. 22 for removing two revenue bags containing more than \$5,000 from an MTA booth and not making the expected deposit in a bank.

The transit worker allegedly removed the bags from the Lawrence Street-Metrotech subway station, and signed out on a "drop sheet" saying she was to deposit them into a safe on the afternoon of Sept. 21. When the money didn't appear, the worker, 37, was arrested for grand larceny.

**Gang attack**

A gang of teenagers attacked a 17-year-old boy coming home from night school and stole his knapsack, on the northeast corner of Bridge and Fulton streets. The attack happened at 9:20 pm on Sept. 23.

The young man was walking home, and saw the 10 young men, all about 16 or 17 years of age, and tried to avoid the one who appeared to be in his way. Two others blocked his route when he moved around the first, and the other eight formed a circle around him, and began hitting and punching him, leaving him on the ground.

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# Quick burglar nets \$3G in just 2 hours

By Jess Wisloski  
The Brooklyn Papers

A Park Slope woman was burglarized of \$3,500 worth of home office supplies when her Degraw Street apartment between Fourth and Fifth avenues was broken into on the morning of Sept. 20.

In between the time when the woman left the house and returned, 8:10 am to 11:50 am, the thief forced his way into her apartment by damaging the front door, which her neighbor discovered upon returning to his own apartment in the middle of the morning.

A construction technician working for a cable company, who was trying to gain access to the building between 10:30 am and 11 am, said he did not see or hear anything suspicious. The burglar made off with a Dell laptop computer, a computer monitor, and a printer-fax-scanner machine.

## Some visit

An Oklahoma native staying in Park Slope was robbed of \$2,100 worth of outdoor gear and camera equipment that was locked in his car sometime between Sept. 19 at 7 pm and Sept. 20 at 10 am.

The 26-year-old discovered

## 78 PCT. BLOTTER

that his green 2000 Toyota had been broken into overnight. It was parked on Sixth Avenue between St. John's Place and Lincoln Place.

Among the items stolen were two cameras, a Columbia double-layer coat, a day pack, an internal frame backpack and several rolls of film.

## Woman beaten

A 19-year-old woman was jumped on the southwest corner of Eastern Parkway and the grounds of the Brooklyn Museum on Sept. 23 at 11:05 pm.

A witness saw the thug beat the Prospect Heights woman about the head with a hammer. The woman reported the incident to police, and was treated at New York Methodist Hospital, on Seventh Avenue, for treatment of swelling and bruises to her head.

The next day, officers from the 78th Precinct arrested a suspect they found on the corner of Washington Avenue and St. John's Place, for assault.

# Man shot to death

By Jess Wisloski  
The Brooklyn Papers

A few hours before dawn on Sunday morning, neighbors on Second Street between Fifth and Sixth avenues in Park Slope were awakened by shouting voices and gunfire. The dispute left 22-year-old neighbor Leroy McFadden dead.

Police reported that the fight started over a woman as the men stood in front of 415 Second St. the morning of Sept. 26. Though neighbors said the shouting started at 4:15 am, nobody heard the gunshots until closer to 4:30.

McFadden, who lived at 525 Second St., was suspected to have been friends with his murderer, but when the fight grew heated, the killer walked towards his car, a gray 1994 Mazda sedan with Pennsylvania plates, and pulled out a gun.

Seeing this, McFadden took off running, headed westbound on Second Street towards Fifth Avenue. Though he tore down the middle of the street, where frightened neighbors could see him, McFadden was pursued by the gun-wielding assailant, who fired at him as they ran. Hit several times by the shower of

bullets, McFadden kept running, but then collapsed in the middle of the street in front of 365 Second St.

"The blood was scattered down the street, closer to Fifth Avenue, in front of the five houses near the end of the street," said Beatrice Clafin, a resident who was awaked by the sounds of what she thought to be the gunshots. "I've never heard a gun before," she said. "The blood was all over the road... it sounded like they were moving as they were shooting."

Spurring no mercy, the cold-blooded killer positioned himself over McFadden's body and fired his weapon several more times into his immobile body. The victim was shot once in the chest, twice in the back and once in the leg.

Four neighbors had already called 911. An ambulance arrived on the scene not much later, and found McFadden unconscious. He was brought to New York Methodist Hospital by the Park Slope Volunteer Ambulance Corps and was pronounced dead on arrival at 5:15 am.

Meanwhile, the attacker, who had taken off in his car, ran into other troubles, literally. He smashed up the Mazda in a collision on Sixth Avenue and 15th Street, at which point the desperate criminal leapt from the car and took off on foot.

Though police hadn't made an arrest at press time, the shooter did leave behind something especially helpful for detectives at the 78th Precinct. In the glove compartment of his car, a gun was found.

A spokesman for Bill DeBlasio, said the Park Slope councilman was following the investigation with special care.

"He was briefed by Deputy Inspector Harris on Sunday morning of the shooting death," said Peter Hatch, DeBlasio's chief of staff.

"This sort of incident is unusual for the councilmember's district, and the police are actively pursuing a number of leads. We're confident that they will make an arrest soon."

# Senior is stabbed in Hurst

The Brooklyn Papers

An elderly woman, stabbed seven times in a vicious attack Thursday afternoon, staggered several blocks to a police station in Bath Beach seeking help. She later died at Lutheran Medical Center.

Police said the woman was attacked by a mugger at 1:30 pm on Sept. 30 while walking on Bath Avenue at Bay 20th Street. He grabbed for her purse, but she put a fight and he stabbed her at least seven times before fleeing.

## Home stolen

A homeless man's car, which was parked on Prospect Park West between 13th and 14th streets, was stolen on Sept. 25 around 9:30 pm.

The 59-year-old man had parked his car momentarily, but when he returned, the blue 2003 Jeep Cherokee had been removed from the place where he'd left it.

Among the things taken, besides what served as his home, was his driver's license and insurance card.

## Shop & burg

Upon returning to her apartment from a trip to the grocery store, a Park Slope woman discovered her home had been broken into and she had been robbed of thousands of dollars worth of valuables.

The apartment, on Sterling Place between Seventh and Flatbush avenues, was fine when she left it at 10:45 am on Sept. 20, but when she returned at 1:30 pm, she noticed her gate was bent, and that somebody had crawled through the rear window to gain entry.

A neighbor said that a man in his 40s had knocked on her door at 11 am, in search of a man named John. She watched him through her peephole, but didn't open the door, because she didn't understand what he was looking for.

The man then moved on to the victim's door and knocked. Noticed missing was a laptop computer, \$3,000 worth in diamond bracelets, a diamond ring valued at \$1,000, various watches, a gold sapphire ring, another gold ring and a vintage eagle coin, totaling about \$6,450.

## St. Mark's rob

A woman living on St. Mark's Place between Fourth and Fifth avenues was burglarized on Sept. 20, between 2 pm and 4 pm.

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## ADVERTISER FOCUS

# Getting your legal house in order

By Linda Faith Marshak, Esq.

As an attorney practicing in the area of Elder Law, I am so often told by clients that they do not want to be a burden to their families and their independence and being in control of matters is important to them. The response I always provide is to "Get Your Legal House in Order."

What this means actually, is make all the necessary plans NOW, for a time in the future, when you may not be able to do so. This planning includes the execution of the following legal documents:

- Health Care Proxy
- Power of Attorney
- Last Will & Testament

By getting these documents drafted and signed, you can avoid a costly and time consuming court guardianship proceeding as it relates to you as a person and your finances. I know from my experience in talking with people about these issues that they themselves want to appoint family members to help them with medical decisions and financial assistance. That is exactly what the above documents do: they allow YOU to appoint those people and not a judge in a courtroom. All of these documents are revocable by you at any time. Additionally, a Will allows you to decide how to leave your possessions at your time of death.

These documents will also allow you family to assist you and your attorney in obtaining Medicaid benefits, for home care or nursing home care if needed. There are complicated rules surrounding Medicaid eligibility and asset transfers that should be discussed

with an attorney to help preserve as your assets for future generations. Planning ahead for these benefits is always a wise idea.

Another topic clients often ask about is their homes. Many homes have appreciated in value beyond our expectations. To best protect your home from Medicaid, transfers are often made to an irrevocable trust, and the current owner retains a "life estate" in the home. That means that you keep the right to live in your home for your lifetime and all the tax benefits you are currently receiving. Your heirs will benefit too. When they inherit your house from an irrevocable trust there will be little or no capital gains taxes for them to pay.

Generally, it is not a good idea to put your child's name on your assets or the deed to your home because if they are sued or have debts, the assets that were once yours alone will now available to your child's creditors. To avoid this situation and probate as well, it may be advisable to place your assets in one of many trusts available for your specific goals and circumstances.

Ms. Marshak is presenting a series of lectures with guest speaker John Calabrese from Client Advisors Solutions, regarding these and other topics. The next seminar is planned for Tuesday, Oct. 5, at 1:30 and 6:30 pm, and Thursday, Oct. 7, at 6:30 pm, at Grand Prospect Hall, 365 Prospect Ave. in Brooklyn. Please call 800-395-5762 for further information, and note that reservations are required. This article is provided to give the reader a general overview of some of the issues seniors are facing today. This should not be construed as legal advice. For individual advice, please contact Linda Faith Marshak, Esq., at 516-829-8263 to schedule a consultation.

# When loud noises become intolerable

**Q:** "My grandson has a problem with noise such as singing, clapping and laughing to the point where he has to cover his ears. Birthday parties cause him terrible stress, especially the singing."

**Why, and what can we do to make his life easier?**  
**A:** A mother doesn't take her 5-year-old daughter to birthday parties because the noise and stimulation are too

much. One preschool teacher gives her 3-year-olds the option of hearing the birthday song sung quietly on their special day.

What's the fun for some children makes others fall apart: Movie theaters and malls; arcades and theme parks; crowded school hallways and cafeterias.

But why? Parents have to be scouts to sift out answers among several medical and developmental possibilities. Concerns related to hearing are complex and not as simple as "One plus one equals two," says Robert E. Bonham, MD, an ear, nose and throat (ENT) specialist.

"There's a lot more out there than we know," he explains. "The child is not being a problem kid. We just don't know what's wrong in many cases."

As sounds get louder, some children are really bothered and leap more quickly than others to a point where they can't stand the decibel level, the intensity of a sound, Bonham says.

Have an ENT physician examine your child, he suggests. An abnormality of the ear drum, chronic ear infections or scarring from infection are among several possible causes

## Parent-to-Parent

**By Betsy Flagler**  
A mother first noticed her 12-year-old's sensitivity when he held his ears through a movie as a preschooler; a trip to Disney World at age 7 was rough. He has outgrown it somewhat, but still cannot tolerate fireworks, close thunderstorms or loud amusement park rides. Earplugs help him in certain situations.

The mother recalls that at age 9 months, her son would hear musical notes, usually in church, and hum them on key. He is now a gifted musician. That's more than coincidence, says a reader who recalls having to leave school dances because the music was painful to listen to. Having perfect pitch makes the ears extremely sensitive to sound and can make them hurt during levels that don't bother others.

She's among several readers who suggest: Strive to desensitize your child by working with an audiologist or occupational therapist, and buy him a pair of well-fitting earplugs.

Occupational therapy can help a child's central nervous system calm down and better regulate incoming sounds, says Carol Stock Kranowitz, author of "The Out-of-Sync Child" (Perigee, 2002).

When overactive hearing gets past minor annoyances, the brain needs help to correctly process information brought in by the senses, says Kranowitz. Her Web site is [www.out-of-sync-child.com](http://www.out-of-sync-child.com).

Trouble coping in a noisy environment can be one sign of other complex problems, including autism and Asperger's, several parents have found. The disorder is characterized in part by a lack of social common sense — how to make friends, take turns, use eye contact to pick up on social cues.

An elementary school teacher in Atlanta says she has seen many students with Asperger's and high-functioning autism who are hypersensitive to noise, and who are particularly anxious in cafeterias.

"With some, I have even excused them to eat in quieter parts of the building or remained with them while they eat," she says, and suggests seeing your healthcare provider and an occupational therapist.

To make a child feel like sounds are not bombarding him, an occupational therapist might use strategies such as lotion, powder or a surgical scrub brush — similar to a massage, followed by joint compressions.

Another treatment method, particularly for auditory sensitivities, is therapeutic listening — a specifically designed music program with equipment that can be done as part of a home program.

**Can you help?**  
**Q:** "My grandson has been in the limelight for three years. Now he has a new baby sister, and doesn't want anyone to hold her, doesn't want to go to bed, and wants everyone in the same room. He refuses to come in from playing outside, and has become a crybaby. Anything you can suggest will be helpful."

— a grandmother

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# Buildings, personalities deconstructed in book

**By Karen Matthews**  
Associated Press

Daniel Libeskind became one of the world's best-known architects when his emotionally charged plan for the World Trade Center site was chosen.

Then, according to most versions, he was shunted aside when the developer brought in his own architect to redesign Libeskind's signature Freedom Tower.

Libeskind doesn't see it that way. His version, that his ground zero plan has largely survived a painful process of compromise and collaboration, is laid out in a new book that also chronicles the harrowing lives of his immigrant parents and his own circuitous route to architecture's top ranks.

The book, "Breaking Ground: Adventures in Life and Architecture," offers a discourse on architecture: Libeskind compares it to music and choreography but quotes Philip Johnson as saying "all architects are sty-

On Wednesday, he came to the East Midwood Jewish Center on Ocean Avenue in Midwood to discuss the book and his life.

It also is the story of a remarkable marriage and business partnership between Libeskind and his wife, Nina, whom he met at a Yiddish summer camp when he was 20 and she was 17 and he thought she was "so beautiful she must be stupid." And it's a chance to settle scores with trade center leaseholder Larry Silverstein and his architect, David Childs, and with others.

Libeskind, though, was upbeat and relatively diplomatic in an interview in his firm's lower Manhattan office. As always, he wore black except for an American flag lapel pin and spoke in a rushed staccato.

"People often criticize me," he said. "I compromised here and I negotiated there. ... But I believe in it."

"You have to be flexible, you have to be able to accommodate future needs ... but at the same time, you have to create a plan that has integrity and strength and that can withstand all these changes."

Libeskind, 58, devotes a chapter of "Breaking Ground" to his "forced marriage" to Childs and his firm, Skidmore, Owings and Merrill. Relations between SOM and Studio Daniel Libeskind became so strained, he said, that the situation "recalled the orchestrated arrangements between North and South Korea at the very tense border at Panmunjom."

An SOM spokeswoman, Elizabeth Kubany, responded: "Every creative process has its tensions, and this one was no different. But we do not feel we can waste any time or energy rehearsing grievances about the process."

Libeskind writes that Silverstein had "uncompromising demands for yet more office space without regard for the public plazas, parks, memorials, and streets of the master plan."

Howard Rubenstein, a spokesman for Silverstein, said, "With so many different stakeholders, it certainly was a challenging process to arrive at the Freedom Tower design. But the result is spectacular. We regret that Daniel



WTC architect Daniel Libeskind spoke about his new book at the East Midwood Jewish Center Wednesday.

Libeskind feels the need to attack so many of the participants in that effort."

When the cornerstone for the Freedom Tower was laid July 4, its symbolic height of 1,776 feet remained — after an epic battle that, according to "Breaking Ground," required the intervention of New York Gov. George Pataki. But the building's design was a compromise that some critics called the worst of both worlds.

People have different opinions," Libeskind said, "but I think it's a great design

and I think when it's built, people will forget the squabbles."

Libeskind's plan for the trade center site was chosen by the Lower Manhattan Development Corp., a city-state agency created to rebuild downtown after the Sept. 11, 2001, terrorist attacks, in a drawn-out and highly public process.

He tells unflattering stories about several of the other architects who submitted schemes.

Peter Eisenman, part of a team that included Richard

Meier and Charles Gwathmey, had been Libeskind's teacher at Cooper Union. When he showed up at the institute, Libeskind writes, Eisenman "handed me a broom and told me to sweep the office. It was a demeaning initiation, a forced act of submission."

Eisenman remembers it differently, said his spokeswoman, Cynthia Davidson.

"When Danny showed up on the first day of the institute opening in the fall, Peter was sweeping the floor and he welcomed Danny and said, 'We're all cleaning up now, why don't you take this broom and I'll take another one,'" she said. "He refused."

Frederic Schwartz, a member of the THINK team whose design was the runner-up to Libeskind's, is described grabbing Libeskind by the collar at the Venice Biennale, shaking him and growling, "I'm a New Yorker, damn it! Don't tell me how to build my city!"

Schwartz called the account "inaccurate and defamatory."

"I never grabbed his collar and I never shook him," Schwartz said in an e-mail. "I don't use the word 'damn' or 'damn it.'"

Asked about the attacks on his rivals, Libeskind said, "Life is not just about heroes, it's also about villains. ... I think it gives people the idea that architecture is flesh and blood, it is not just creating some sort of machine for living. ... It involves struggles which are not only intellectual but emotional and often spiritual."

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# 76th Precinct targets ID theft on Smith

By Jess Wloski  
The Brooklyn Papers

A recent wave of purse and wallet snatchings along Smith Street over the summer brought out more than a dozen officers from the 76th Precinct and the NYPD's Crime Prevention Unit last Friday.

The officers posted themselves on corners and talked with bar and restaurant patrons.

The message focused on the responsibility of careless carousers to protect their own

property.

"It's not so much purse grabs," said Lt. Jessica E. Corey. "We're here to raise awareness to people leaving their property unattended." Corey, commanding officer of the citywide Crime Prevention Unit, said the recent rash of thefts seen on Smith Street are usually the work of opportunists, not "hardened criminals."

The Sept. 24 action was taken as part of an ongoing attempt by the 76th Precinct to cut down on the petty, and preventable, crimes they see cropping up regularly.

At a meeting of the Carroll Gardens Association on Sept. 15, the precinct's top officers said the most common crimes they see in the precinct, which covers Carroll Gardens, Red Hook, Cobble Hill and parts of Gowanus, are public urination and purse or wallet grabs at local bars.

In one of their first attempts to reach out to bar and restaurant owners, the precinct's own crime prevention officer, Police Officer Ginger Ortiz, went door-to-door handing out aesthetically pleasing, laminated information sheets for proprietors to post in a visible location in their establishment.

While Deputy Inspector Joseph Cassidy, the precinct's commanding officer, said the reception was good, only shop owners actually posted the info sheets, while some restaurants and bars, fearful in fear of scaring off patrons, hid them.

On Friday, the squad members visited local business, starting at 5 p.m., and handed out stacks of pamphlets detailing the Crime Prevention Unit's free services, which include vehicle ID window etching and bicycle registration, and a tip sheet with descriptions of identity theft.

Corey said that identity theft was the main topic of conversation they brought up to passersby because, aside

from being a national trend, most people don't know the extent of it.

"It's more than just canceling their credit cards — it's theft of your whole identity," she said.

Among the biggies mentioned in the brochures was to avoid carrying around evidence of a Social Security number, and Corey elaborated, saying people should "minimize what they keep on them at all times."

The pamphlet also instructs people not to leave any receipts that might have your credit or debit card information on them at ATMs, gas pumps, store counters or in public trash cans.

Topping the list is to refrain from giving Social Security numbers on forms, questionnaires, or registration cards just because the form asks for

it.

The officers, posted on the corners of Sackett, Degraw, Douglass and Butler streets, didn't seem to be having any problems engaging folks who passed in conversation, or at the very least, slipping them a brochure.

"We've had a lot of people say that this happened to them," said Corey, describing how friendly and receptive the neighborhood had been. She said one shop owner even said she'd had something stolen from her own bag in the store when she went to get something in a back room.

Besides being able to pass them off easily, the brochures serve another purpose: they are getting higher visibility than the carefully designed posters did.

Washington Mutual's new ATM foyer on Smith Street

had stacks of the brochure on either side of the teller machines, bars volunteered to put them on tables or in the bathrooms, and one restaurant owner even said he'd send them out with all his takeout and delivery orders.

"It's a very good idea," said Vinny Cataldo, owner of Vinny's of Carroll Gardens, a restaurant at 295 Smith St.

"I'm very surprised," he said about the thefts. "It's so quiet here. In 14 years I've never had a problem."

But the police know that even quiet neighborhoods are targeted by criminals.

"This is not just a problem on Smith Street," said Lt. Jose Frías, deputy commanding officer of the 76th Precinct. "It's a problem nationally. You've seen it on 60 Minutes."

Park Slope faced its own sweep of identity thefts in the past week.

A 33-year-old woman who lives on St. John's Place between Fifth and Sixth avenues called police when she discovered that between Sept. 1 at noon and Sept. 7 at 11 p.m., somebody made a total of 15 transactions using her ATM card number, which had a MasterCard logo on it, charging \$3,464 worth of goods and services.

She was in possession of the card the entire time.

Nearby, at a Citibank on Sixth Avenue between 12th and 13th streets, a 40-year-old Fort Greene woman called the police on Sept. 23, when she discovered that somebody had opened several credit card accounts in her name, dating from January to August of 2003.

Without buying a thing she had accumulated a total of \$6,263 in past-due charges.

And on St. Mark's Place, a 70-year-old woman was notified on Sept. 23 by a collection agency that she had a past-due credit card bill totaling more than \$2,100. A stranger had opened up a Citibank Visa credit card in her name and successfully made purchases on the card.

Though there is little recourse in instances where the theft is outdated, according to the pamphlets, it is a good idea to regularly order a copy of your credit report and scan it for fraudulent charges.

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## NOT JUST NETS • THE NEW BROOKLYN • NOT JUST NETS

# Ratner close to deal with state

## '60 days until arena plan review'

By Jess Wisloski  
The Brooklyn Papers

Bruce Ratner and state and city agencies are close to signing a memorandum of understanding that would get the ball rolling on the developer's proposed Atlantic Yards project, a Westchester daily newspaper reported this week.

One of the soon-to-be lead agencies on the application confirmed for The Brooklyn Papers that talks with the developer were progressing and Ratner, in an interview with the Journal News, said the state public review process for his plan to build a professional basketball arena, 4,500 apartments and three soaring office towers emanating from the intersection of Flatbush and Atlantic avenues was just two months away.

"The major thing now is going through the public process, which will start probably in about 60 days. There will be hearings. That will take about eight months. And then hopefully in about a year, a year and a quarter, we'll start construction," Ratner told the

Journal News.

Ratner plans to bring his recently purchased New Jersey Nets to the new arena.

A Ratner spokesman, Joe DePlasco, clarified the comment, saying the developer is "hopeful that the MOU is completed soon," but said he didn't know if 60 days was a target for signing such an agreement, at which time the process would be announced publicly at each juncture of review and approval.

Forest City Ratner Executive Vice President Jim Stuckey spoke at a public meeting Thursday night, but would not comment on what state agreements between the state's lead agencies, the Metropolitan Transportation Authority, which owns 13 acres of rail yards over which Ratner hopes to build, and the Empire State Development Corporation, which is the lead sponsor could wield the power of eminent domain to capture the remaining 11 acres of the plan's Prospect Heights footprint from private owners.

"I don't know," Stuckey told The Brooklyn Papers when asked if the

state-run MTA is involved in negotiations, bids or advances by Ratner's group.

When asked if any headway had been made, or if they were involved in negotiations, MTA spokesman Tom Kelly replied, "No. No. Nothing's happened yet."

A spokeswoman for the Empire State Development Corporation, however, confirmed her agency's involvement.

"The talks are moving along, the talks are going very well, and things are moving along rapidly. We're working jointly with MTA and [the city Economic Development Corporation], but there are still some issues we need to work out," said Empire State Development Corporation spokeswoman Deborah Wetzel. She said no agreements had been reached by the MTA.

At the community meeting in Fort Greene, Stuckey did say that when the MOU is signed, Forest City Ratner, which has offered to pay market-price for the MTA's property, will hire an independent appraisal firm to determine

the value of the land, and suspects the MTA will do the same. According to the MOU mandate, both of the estimates would be accessible to public scrutiny, he said.

"An MOU is a recording of understanding," he said. "It is not a legally binding contract, and it ultimately entitles the public to have the ability to comment" on the process, he explained.

Still, ardent community activists are hoping that a public bidding process may yet be in the cards.

"There is no MOU signed on it as far as I know. There is no NBA agreement to let the Nets move, as far as I know," said Councilwoman Letitia James, at the meeting, hosted by the Downtown Brooklyn Leadership Coalition, nearly singing to the riled up audience of 200 local residents.

"Again, I don't know all that's happening behind closed doors, but as far as I know there is no state legislation or city legislation [in place]. So as far as I know, and as far as you know, this is not a done deal!"



Model of proposed Nets arena near the intersection of Flatbush and Atlantic avenues.

# Land grab goes to court

## Supreme Court will find when cities may seize land

By Jess Wisloski  
The Brooklyn Papers

The U.S. Supreme Court agreed Tuesday to settle a Connecticut land dispute case that could have major implications for Forest City Ratner's proposed Atlantic Yards project in Brooklyn.

The ruling will ultimately decide whether governments can seize private property for privately developed projects, a key question that New York and other cash-strapped cities seek ways to generate tax revenue.

At issue is the scope of the Fifth Amendment, which allows governments to take private property through eminent domain, provided the owner is given "just compensation" and the land is for "public use."

Developer Bruce Ratner's Atlantic Yards project calls for the taking of more than half of its 24 acres of land from private owners. The other half would come from Ratner's purchase of air rights over the state-run Metropolitan Transportation Authority's Long Island Rail Road yards.

Daniel Goldstein, a member of the anti-arena group Develop-Don't Destroy Brooklyn, was encouraged by the decision of the highest court in the nation.

"We were overjoyed today to hear they've decided to hear the case," Goldstein said. "It is a milestone. We believe that the use of eminent domain is unconstitutional and we're happy to see that the Supreme Court is ready to listen to that argument after 50 years of eminent domain abuse."

Goldstein's group, in representing various members of the community — including those who face losing their homes for the construction of a 19,000-seat basketball arena for Ratner's New Jersey Nets, 4,500 new housing units in high-rise buildings and four office skyscrapers — has hired attorney Norman Siegel, former executive director of the New York Civil Liberties Union.

If it comes to it, they are ready to file a lawsuit, as did Susette Kelo and several other homeowners in a working-class neighborhood in New London, Conn., after city officials announced plans to raze their homes to clear the way for a river-

front hotel, health club and offices. The residents refused to budge, arguing it was an unjustified taking of their property.

They argued the takings would be proper only if they served to revitalize slums or blighted areas dangerous to the public.

"I'm not willing to give up what I have just because someone else can generate more taxes here," said homeowner Matthew Dery, whose family has lived in the Fort Trumbull neighborhood of New London for more than 100 years.

Patti Hagan, a resident and community leader in Prospect Heights, the area in Brooklyn where most of the Atlantic Yards proposal falls, echoed the same sentiment, and hopes the ruling will result in dropping the plans in her neighborhood altogether.

"If — and they will — come out with a decision in May or June against it, that will just knock the deal. That will be the law of the land," she said. "[Ratner] cannot have the state seize their property and kick them out."

New London contends the condemnations are proper because the development



Bruce Ratner

plans serve a "public purpose" — such as boosting economic growth — and are therefore valid "public use" projects that outweigh the property rights of homeowners.

The Connecticut Supreme Court agreed with New London, ruling 4-3 in

March that the mere promise of additional tax revenue justified the condemnation.

The U.S. Supreme court taking the New London case could have a direct bearing on the proposed Nets arena and the Forest City Ratner plan for Prospect Heights, said Siegel. "Eminent domain has run amok. Perhaps the U.S. Supreme Court will decide that eminent domain is limited to public use, and not for economic redevelopment."

Nationwide, more than 1,000 properties were threatened or condemned between 1998 and 2002, according to the Institute for Justice, a Washington, D.C., public interest law firm representing the New London homeowners.

In many cases, according to the group, cities are pushing the limits of their power to accommodate wealthy developers. Courts, meanwhile, are divided over the extent of city power, with seven states saying economic development can justify a taking and eight states allowing a taking only if it eliminates blight.

In New London, city officials envision replacing a stagnant enclave with commercial development that would attract

tourists to the Thames riverfront, complementing an adjoining Pfizer Corp. research center and a proposed Coast Guard museum.

"The record is clear that New London was a city desperate for economic rejuvenation," the city's legal filing states, in asking the high court to defer to local governments in deciding what constitutes "public use."

According to the residents' filing, the seven states that allow condemnations for private business development alone are Connecticut, Kansas, Maryland, Michigan, Minnesota, New York and North Dakota.

In light of the Supreme Court's decision, Siegel urged a halt to any negotiations involving the proposed footprint of Ratner's plan.

"The state and the city, in view of the U.S. Supreme Court taking the Connecticut case, should not proceed on any eminent domain projects," Siegel said, "including Forest City Ratner's and the Nets arena, until the U.S. Supreme Court's ruling." — with Associated Press

# Why Red Hook Ikea project should be rejected

By Mary Campbell Gallagher

IF YOU ARE returning to New York three years from now, in September 2007, flying over the harbor, ahead are the sparkling towers of lower Manhattan.

To your left, the Statue of Liberty raises her flaming torch 395 feet above the water, a symbol of America. But what is this? On the Brooklyn waterfront to your right rises a new structure as big as five football fields. Thousands of cars head towards it, it is surrounded by 1,500 parked cars, and it is the blue and yellow colors of the Swedish flag.

Unfortunately, that giant blue box with yellow lettering is a symbol, too, just like Lady Liberty. It is not a symbol of America's hope and greatness, however, but of New York City's desperation. For on Sept. 8, 2004, the City Planning Commission voted to sell out our priceless New York City waterfront to a Scandinavian company named Ikea.

Yes, it is a nightmare. But wake up! We are still in 2004. New Yorkers can still tell the City Council to keep the Brooklyn waterfront from turning into sprawl.

Ikea's argument for its gigantic tax-subsidized store is that it can provide jobs for tenants in the Red Hook Houses, a public housing project.

Ikea's reps have divided the community: the residents of the Red Hook Houses, who are largely African-American, from their neighbors who have refurbished dilapidated structures.

Ikea says it will create "500 or 600 jobs." The Red Hook Civic Association, meanwhile, says that Ikea will attract 50,000 cars a week to the point of the Red Hook peninsula, which has no highway, no subway and narrow cobblestone streets.

**Questions that the City Planning Commission has failed to ask Ikea:**

"Exactly how many unemployed people are there in Red Hook Houses? ANSWER: There are 569 unemployed people.

"How many jobs in large retail stores are there in Red Hook now? ANSWER: According to John McGinck, co-chairman of the Red Hook Civic Association, there already are, or soon will be, more than a thousand retail jobs in Red Hook. Employee turnover in retail is 40 to 60 percent a year, so there is a constant availability of jobs in Red Hook."

"If we permit Ikea's tax-subsidized store on the waterfront, how many jobs does Ikea promise to Red Hook's people? ANSWER: None. Not even one."

"What does Ikea promise? ANSWER: Ikea promises only that it will consider applications from Brooklyn's 11231 ZIP code two weeks earlier than other applications."

"Ikea says it will offer 'close to 600' jobs in Red Hook. In the New Haven, Conn., store it just opened, however, Ikea has only 350 employees in a 311,000-square-foot store. Why would Ikea need 600 employees in a store in Brooklyn with 346,000 square feet? Lots of greeters? ANSWER: Silence. There is no answer to this question."

"Does Ikea offer employee benefits? ANSWER: Ikea offers employee benefits, including health benefits and tuition reimbursement. The majority of Ikea's employees will work fewer than 20 hours per week, and they will get no benefits for six months. Considering the high turnover in retail, Ikea may never pay even one worker from Red Hook Houses any benefits at all."

"Won't Ikea destroy other jobs in Red Hook? ANSWER: Building the Ikea store will destroy 80 to 100 jobs on the Erie Basin. Hundreds of other jobs in Red Hook will be imperiled by the streets being clogged with traffic."

"Is it an open secret that big box stores like Ikea do not create retail jobs, they destroy jobs? ANSWER: Yes. In fact, there is a slight bump up in retail jobs in New York City."

Consider the high turnover in retail, the total number of employees goes down to a figure lower than would have been the case if given state-subsidized economic growth. A big box store puts local stores out of business, and then it needs fewer employees to sell the same amount of goods.

"So does New York City need a big box store located near Red Hook Houses? ANSWER: No."

**Questions for Ikea foes:**

"How would Ikea affect the Brooklyn waterfront? ANSWER: With Ikea, the waterfront will turn into suburban sprawl, with more parking lots, highways, traffic, pollution, and big box stores, and fewer city uses on city blocks."

"What is the best use for the Red Hook waterfront? ANSWER: The City Planning Commission approved Red Hook's community-organized plan, a so-called 197-a plan, in 1996. As Antonia Bryson, attorney for a Red Hook coalition,

the plan seeks to improve the pedestrian environment, capitalize on Red Hook's historic resources and support maritime activity. The Baltimore firm of Stuever Bros. Eccles & Rose has proposed a beautiful mixed-use project for Red Hook that emphasizes maritime,

commercial and residential uses. It is an urban, not suburban, plan that will result in city growth in surrounding blocks and more jobs than Ikea.

IN ORDER TO PROVIDE a few jobs for Red Hook Houses tenants, New York allow a tax-subsidized big box store on the New York City waterfront? New Rochelle recently rejected Ikea, as

did Somerville, Mass., and [even nearby] Grovers.

The City Council will have 50 days to act. Tell the City Council that for Ikea to degrade the New York City waterfront is a nightmare.

Gallagher, who lives in Manhattan, runs a bar exam preparation business. She has had articles published in The Nation and Weekly Standard on planning and education issues.

**LETTERS**

right thing by the Red Hook community, even if its residents won't be able to read about it in The Brooklyn Papers.

— Pat Smith, Real Estate Editor  
Ikea Red Hook

**Editor's note:** Asked about guaranteeing a percentage of the Ikea Red Hook jobs to neighborhood residents — at a public information meeting on the plan in April at the PAL Micio Center on West Ninth Street — an Ikea representative did, indeed, say that federal law prevented the company from adopting such a hiring policy. In the months since, Brooklyn Papers' reporters have asked Smith several times about that provision. The Papers was told that it existed, but that Smith could not cite the specific law.

He finally referred us to Ikea lawyer Jamie Van Bramer, who told us no such law prevents Ikea from guaranteeing a percentage of jobs to residents of a particular ZIP code.

As for enforceability, experts say that Ikea lawyers could easily draft language into an agreement that would make it enforceable in a court of law. Ikea could consult developer Bruce Ratner, who is in the process of forging a CBA in Prospect Heights for his proposed Atlantic Yards [see story; Page 1] that would guarantee local jobs.

The reason this is so important, as the Sept. 25 article pointed out, is that the so-called "promise" of jobs is cited by Ikea supporters as making the Ikea project worthwhile for Red Hook — proponents argue that jobs would be a fair exchange for Red Hook's be-

ing burdened with the mega-traffic the megastore would bring.

**Watchtower plan rejected by civic group in DUMBO**

To the editor:

As recent events on the national level have shown, the media don't get things exactly right. In your Sept. 25 article on 85 Jay St., you listed us as "one-time supporters of the Witnesses' plans."

In fact, since July 2003, DUMBO Neighborhood Association (DNA) has consistently expressed two major concerns with the Witnesses' proposal: 1) the towers are too tall and are out of context with DUMBO and Vinegar Hill; and 2) the lack of retail will deactivate our streets, including those adjacent to the F train station at York and Jay.

In fact, since July 2003, DUMBO Neighborhood Association (DNA) has consistently expressed two major concerns with the Witnesses' proposal: 1) the towers are too tall and are out of context with DUMBO and Vinegar Hill; and 2) the lack of retail will deactivate our streets, including those adjacent to the F train station at York and Jay.

We did call for infrastructure improvements (fixing Bridge Park 2, renovating the subway station, installing lighting, etc.) as part of the development package to help activate our streets and serve as mitigation for the lack of retail. To construe this call for neighborhood amenities — which the Witnesses declined to provide — as "support" is incorrect and misleading.

— Nancy Webster, President  
DUMBO Neighborhood Association

**Editor's note:** DNA was initially opposed to the Watchtower Bible and Tract Society plan for 85 Jay St., arguing that Watchtower scale back the plan and provide infrastructure improvements to the neighborhood. However, in July, the group agreed, at the urging of Councilman David Yassky, to support, or at least not protest,

the plan pending a deal with the Watchtower Society. (In July, at a Community Board 2 land use committee meeting, residents of the 79 Bridge St. condo were the sole dissenters testifying against the Watchtower proposal.) When that deal fell through, however, DNA resumed its public opposition to the plan.

**Don't threaten a local businessman**

To the editor:

I was horrified to read that some of my neighbors in Park Slope are using threats of violence to prevent an honest businessman from running an honest business in our neighborhood ["Mc Wonton told to lay off Zazu's," Sept. 25].

I was reminded of Germany in the '30s when members of a different out-of-favor ethnic group had their businesses destroyed. Let the customers, not the mob, determine which businesses will be successful in our neighborhood — Mary S. Popkin, Park Slope

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By e-mail: Newsworm@BrooklynPapers.com

All letters must be signed and include the writer's home address and phone number (only the writer's neighborhood and street name are published with the letter).

Letters may be edited and will not be returned.

# Accuser of Gentile cites councilman's advances

By Jotham Sederstrom

The Brooklyn Papers

Four days after filing a sexual harassment claim with the City Council, an aide to Councilman Vincent Gentile broke his silence, revealing that he had been on the receiving end of "constant and unremitting" advances from the Bay Ridge legislator.

John Martin, Gentile's 26-year-old chief of staff, claims in a four-page statement that the councilman relentlessly extended invitations to movies and bars while also suggesting that the aide, 20 years Gentile's junior, share an apartment with him.

"I looked forward to assuming the responsibilities of this important and challenging position," Martin, who resigned last week, said of his promotion to chief of staff in June. "Sadly, Mr. Gentile's treatment of me as both an employee and as a human being has caused me to submit my resignation."

Martin had initially submitted a letter of resignation to Gentile that gave as his reason for leaving his intention to study for the Law School Admission Test. The resignation was to be effective Sept. 28, but someone leaked word of the harassment complaint to the press, causing Martin to cut short his final week at the district office, where he had worked for more than a year.

In the statement, Martin outlined a list of instances in which he said Gentile made inappropriate advances, most of which took place outside of the district office.

Among the allegations in Martin's statement was an attempt in August by Gentile to be included in a personal trip to Maine that Martin was planning for a friend's wedding. Martin alleges that after Gentile's persistent suggestions that the two take the excursion together and share a room, the councilman cited a colleague who had earlier suggested that Gentile take time off work.

"[Park Slope Councilman] Bill DeBlasio has been telling me that I need to take a break and go on vacation. If we both go up there together, we could save money by sharing a hotel room, and don't worry about having time for yourself. You can just read and take a nap or whatever you want. Your friends don't have to know about it and no one at work has to know about it either," Martin quoted Gentile as saying.

"The councilman was extremely persistent and I viewed his conduct as utterly and totally inappropriate," Martin said. "When I finally said 'no,' yet again, he replied by saying, 'Whatever.' But he was obviously very deflated by the rejection."

Martin also charges that Gentile persistently asked him to move into his apartment after Martin broke up with a girlfriend with whom he had been living. He said he turned down the councilman's offer no less than four times. After he found a new apartment, Martin claims, Gentile repeatedly insisted that the staffer allow him to help him move in.

During the Republican National Convention, in August, Gentile invited Martin to come over to his apartment to watch President George Bush's acceptance speech, said Martin, who declined, instead suggesting they meet at a Bay Ridge bar to watch. "I frankly felt more comfortable dealing with Councilman Gentile in a public place than at his apartment," Martin said.

"Unfortunately, the councilman refused to meet me at the bar ... but instead insisted upon meeting me in front of my apartment," Martin said. From there they went to the bar. Afterwards, Martin claims, Gentile walked him home and inferred he could get him money from his district budget.

Said Martin, "When I arrived at the front door of my apartment building, Councilman Gentile pointedly mentioned that he had received more money in his personal budget and that I might be able to benefit from that money. He then asked to come inside my apartment."

Martin has retained attorney Paul Callan, a Manhattan-based lawyer who represents such stars as Leonardo DiCaprio and Quentin Tarantino. Callan said that Martin's statement was an attempt in August by Gentile to be included in a personal trip to Maine that Martin was planning for a friend's wedding. Martin alleges that after Gentile's persistent suggestions that the two take the excursion together and share a room, the councilman cited a colleague who had earlier suggested that Gentile take time off work.

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suits against Gentile and the city based on the grounds that Gentile had created a hostile work environment. Callan said that because the city is the employer of council members that it, too, would be included in the lawsuit, typically filed in federal court.

"We're still exploring it," Callan told The Brooklyn Papers on Sept. 24. "He hasn't decided yet. It will depend largely on how Gentile publicly reacts. If he's straightforward about what's happening, that may be enough. I'm disappointed about his denials that harassment occurred and I think an apology is in order."

He added: "One of the critical factors will be based on the candor and honesty with which Gentile publicly addresses these allegations. If he tries to spin this and create a false story then the result will be a lawsuit."

In a statement, Gentile characterized Martin's claims as part and parcel of a larger political agenda, but he stopped short of suggesting Republicans had waged the attacks.

"Once again, any suggestion that my interactions with John Martin amounted to harassment is utterly false and frivolous," Gentile said in a statement released by The Advance Group, a public relations firm he has retained.

Gentile declined to address the specific allegations but said he has retained a lawyer to defend him against the charges.

"I will not dignify every rumor and malicious innuendo. I welcome this investigation of the facts to expose these frivolous and absurd claims and to that

end, I have now retained counsel whose expertise is in employment and discrimination law."

The statement from Martin was released Thursday. Hours later, the weekly Gay City News published an article on its Web site that alleged a consensual affair between Gentile and a gay civil rights lawyer who had worked on his first campaign for state senate.

Gentile stated this week that he is not gay and has never engaged in homosexual relations.

On Friday, Thomas Bello, a civil rights and employment lawyer retained by Gentile to handle the complaint, said Martin's allegations fail to rise to the level of sexual harassment and also suggested that the former aide's story has been constantly changing. Initially, he said, the complaint consisted of only several charges but had grown to include a much longer list of allegations.

"His allegations are changing daily," said Bello. "They started out to be a few instances, none rising to the level of sexual harassment. And that he stayed on even after sending his letter of resignation—that doesn't sound like someone to me who's enduring a hostile work environment."

Bello, a professor at Columbia University, said that he would contest the council's decision to seal the charges, which he said Gentile had not yet seen.

"This has opened the windows for everyone who has a political agenda, like the gay rights groups that are bitterly opposed to Gentile because of his vote against SONDA. All they're doing now is seizing on this opportunity," said Bello.



## A plate of Oy!

Mark Garrison and Kathryn Pitts enjoy a plate of — you guessed it — oysters during Guinness Oyster Festival Sunday on Water Street in DUMBO.

## Atlantic merchants feeling trashed

By Jess Wisloski

The Brooklyn Papers

Atlantic Avenue merchants were left fuming following a recent ticket blitz targeting trash in front of their establishments.

But what was even more galling to the business owners is that the tickets came as a result of change in enforcement not of commercial establishments but residential property owners.

When the new residential routing hours were put into effect by the Sanitation De-

partment in mid-September, storeowners along the Atlantic Avenue strip suffered added scrutiny as inspectors targeted their strip, where residential units exist above stores.

Meanwhile, merchants with their own inspection schedule changes, which were issued around the same time.

In an effort to educate the merchants about responsibilities — and conversely, the responsibilities of their landlords, whose residential tenants were dumping garbage

in between pickup cycles — the Atlantic Avenue Betterment Association hosted a spokesperson from the Department of Sanitation at their Sept. 23 meeting.

The president of the organization, Sandy Balboa, said they called on the department's community affairs spokesman Tom Fitzgerald because merchants had noticed an abundance of tickets appearing, often for neglecting duties they didn't know they had.

"Sweeping 18 inches into the street seems to be a shock

to everybody, but it's not anything new," said Balboa, giving an example of one of the tasks required of the merchants.

Others, she said, had problems with neighboring shops' violations, or residential dumping in front of their stores. Some merchants had been issued tickets of up to \$300.

"We want to do anecdotal things so they can understand the merchants' situation," said Balboa prior to the meeting.

Fitzgerald explained the

removal.

Fitzgerald was reminded what he was there for, by a persistently raised-hand — to answer the questions of the merchants who were facing hundreds of dollars worth of tickets.

"I'm so livid!" said Elissa June Mastel, the owner of Urban Monster, an Atlantic Avenue children's clothing store. "I normally can't make these meetings because of my [hubby]-sitting schedule," she said.

Mastel explained that, although she paid a "ridiculous amount of money" to have her garbage removed by a private carting company, she had been issued a \$300 ticket for trash belonging to the res-

idential apartment next door that had been set out near her building.

"It's so evidently residential trash — that pisses me off! I'm not going to spend my money and effort," Mastel said, on what she perceived as erroneous charges by Sanitation workers.

Fitzgerald said he couldn't answer her questions based on her summons alone, but did note it was difficult for the enforcement agents to issue tickets when they are dealing with property owners who aren't present, like Mastel's neighbor, who, she said, lives in Great Neck.

"The problem is, you can't issue summonses to someone if they're not there," he said.

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The Brooklyn Papers' essential guide to the Borough of Kings

October 2, 2004

# 'Brooklyn' karma

Chance meeting on promenade sparks musical

By Lisa J. Curtis  
GO Brooklyn Editor

The songwriting team of Mark Schoenfeld and Barti McPherson will have the career-crowning glory of seeing their first musical open on Broadway this month.

And they've never been to a Broadway show.

Schoenfeld, a Brooklyn native, and McPherson are the dynamic duo behind the grungy, soulful "Brooklyn the Musical" which began previews last week.

"Brooklyn" director Jeff Calhoun ("Big River"), talking to reporters at a rehearsal studio on 42nd Street last month, extolled Schoenfeld and McPherson's novice status, saying it was part of their charm.

"They are loving, unique people not yet spoiled by this commercial [business]," said Calhoun.

Schoenfeld, who was born in the Red Hook Houses projects, told GO Brooklyn, "It feels to me like we didn't even write this show. It gives me goose bumps."

He and McPherson, who together wrote the music and lyrics for "Brooklyn," explained their collaborative effort.

"When we started writing so long ago, we had 165 pages," said Schoenfeld. Working with Calhoun, the work was whittled down to its current size, an intermission-less hour and 40 minutes.

"And the wonderful thing about Jeff," said McPherson, "was that he made sure we were always a part of [the process]."

"Brooklyn the Musical" is, in part, inspired by Schoenfeld's time as a homeless person and the generous spirit that moved McPherson to take him into her home to live with her husband and children.

Schoenfeld's family moved from Red Hook to the Bronx, and then as an adult he moved to New England. He was a composer and McPherson a singer, who had spent one day recording a song together.

The "Brooklyn" legend is that eight or nine years later, McPherson, then living in New Hampshire, was in Brooklyn Heights to perform at a private party. Walking on the promenade, she discovered Schoenfeld again.



Soul sisters: "Brooklyn" stars, Eden Espinosa (title role) and Ramona Keller (Paradise), pose for pictures on Manhattan's 42nd Street on Sept. 9. (Inset, left to right) Composers and lyricists Mark Schoenfeld and Barti McPherson with music supervisor John McDaniel.

But this time he was a homeless street performer.

When asked if Schoenfeld remembered McPherson after all of that time, he beamed.

"She's gorgeous! Of course I remembered her."

And I was just blown away by the talent she shared that day."

McPherson invited him to come home to live with her family and the two collaborated on writing the songs about a band of street people that became "Brooklyn."

Now the creative team has expanded to include music supervisor John McDaniel (former band leader of "The Rosie O'Donnell Show") and a cast of talented performers.

The star of the show is Eden Espinosa, who plays Brooklyn, a young woman searching for her father in the borough for which she was named. Espinosa was an understudy for the roles of Nessarose and her sister Elphaba in the Tony-award winning "Wicked."

Before coming to Broadway, she played Brooklyn at the Denver Civic Theater for six weeks, where the production premiered on May 7, 2003. The opening night of "Brooklyn" at the Plymouth Theatre in Manhattan is Oct. 26.

Ramona Keller, who plays the role of Paradise, was born and raised in Brooklyn and now lives in Canarsie.

Calhoun explains the spelling of that character's name, "Paradise—the villain—was born with nothing more than a pair of dice around her neck," he said. "She's the wicked witch of the 'hood.'"

The characters in the musical are a motley crew of soulful, R&B-wailing street-corner singers and storytellers. They tell the fairytale about Brooklyn against a backdrop of gritty sets designed by Ray Kinsman out of materials that could be found on the street. For instance, the characters imagine that they are watching a "sing-off" inside the ring at Madison Square Garden because a square has been erected with surgical tubing.

Their ballgowns, by costume designer Tobin Ost, are colorful tatters. A headpiece for



Paradise is made from discarded potato chip bags and a form-hugging dress is cinched with cross-stitched duct tape.

The musical is not a panorama of well-heeled Brooklyn Heights residents and brownstone architecture, but rather the overlooked homeless people on its corners and subway platforms.

"I love it when the audience talks about moving performances instead of moving scenery," said Calhoun. "This was an opportunity for me to deliver that kind of show."

Because Calhoun saw the heart in "Brooklyn," he has given the lyricists their own fairy tale ending. Audiences are paying \$95 a ticket, rather than throwing quarters in a paper cup, to hear Schoenfeld and McPherson's music.

"Can you beat that name?" said Schoenfeld. "Just the name is magical."

## THEATER

"Brooklyn the Musical" is in previews now through Oct. 20 at the Plymouth Theatre (236 West 45th St. in Manhattan). Opening night is Oct. 21. Performances are Monday through Saturday at 8 pm, Saturday matinees at 2 pm. Beginning Oct. 26, Tuesdays at 7 pm, Wednesdays at 8 pm, Saturdays at 2 pm, and Sundays at 3 pm. Tickets are \$25-\$95. For tickets, call (212) 239-6200. For more information, go to the Web site [www.brooklynthemusical.com](http://www.brooklynthemusical.com).



Jonny Phillips as Iago (left) and Nonso Anozie as Othello in the Cheek by Jowl production directed by Declan Donnellan.

# Moor drama at BAM

Cheek by Jowl's Declan Donnellan on 'Othello'

By Paulanne Simmons  
for The Brooklyn Papers

Declan Donnellan, director of Cheek by Jowl's "Othello," which will be at BAM's Harvey Theater Oct. 5-10, originally studied law at Cambridge University but gave it up at age 22 to try his hand at drama.

The world of theater has good reason to be grateful for the change in career path. Founded with Nick Ormerod in 1981,

Donnellan's Cheek by Jowl has become world famous for its original approach to European classics, particularly Shakespeare.

Yet Donnellan says he makes no special effort to be original. It is rather the natural outgrowth of his method.

"I would never, ever try to be original," he told GO Brooklyn in a telephone interview from London, where his company is based. "I try to ignore tradition. I always try to do a work as well as I can. The audience should have the idea the play is being written as the actors are doing it. The actors make the words seem inevitable. The most important thing is that the piece of art is alive."

Donnellan says he loves Shakespeare because his plays are about art, not because they are museum pieces.

"Shakespeare's plays are about the absolute essentials of human nature. They take us to the extremes of feeling and the things we have in common as human beings," he

See **OTHELLO** on page 13

## EVENT

### Let's dance

On Oct. 2, Stepping Out Dance Studios (pictured) will offer free dance lessons at the Brooklyn Museum. The hour-long clinic, which begins at 8 pm, will teach visitors how to cut a rug in time for a 9 pm dance party featuring music and tango dancing by Pablo Aslan's Avantango.

In addition to the museum's first Saturday dance party, there will be screenings of films including Paul Giamatti's 1980 family-friendly animated film "Le Roi et L'Oiseau" (about a palace where portraits come to life); a performance by the French band Bebe Eiffel; a clay sculpture class; and lectures by sculptor Roz Kochman (about Auguste Rodin) and Eric Monacelli (about images of the body in Victorian and modern art).

Admission to the Brooklyn Museum (200 Eastern Parkway at Washington Avenue in Prospect Heights) is free from 5 pm to 11 pm. The cafe will be open and a cash bar will offer wine and beer. For more information, call (718) 638-5000 or visit the Web site at [www.brooklynmuseum.org](http://www.brooklynmuseum.org).

— Lisa J. Curtis

## DINING

### Flower power

On Aug. 26, a fire in 81 and 81A Seventh Ave. destroyed ZuZu's Petals, Fonda Sara's flower shop which had served the Park Slope community for 33 years.

Sara has found a new location at 374 Fifth Ave., between Fifth and Sixth streets, to transplant her blooms. To help with the renovation costs, chef Bill Snell and his wife Christine (pictured) will hold a fundraiser on Tuesday, Oct. 5, from 7 pm to 11 pm, at their restaurant Cocotte (337 Fifth Ave. at Fourth Street).

The Snells will supply French hors d'oeuvres and a cash bar to toast Sara's next venture. Park Slope Councilman Bill DeBlasio and Borough President Marty Markowitz are scheduled to attend.

The hors d'oeuvres are free, but checks made out to ZuZu's Petals for \$100, seed level; \$150, leaf; \$200, petal; \$250, flower; and \$300, garden — or whatever you can afford — will be accepted at the party. Checks can also be mailed to ZuZu's Petals, 81A Seventh Ave., Brooklyn, NY 11217. For more information about the fundraiser, call (718) 832-6848.

— Tina Barry

## NIGHTLIFE



### Jazzing it up

Just when you thought Palmina's in Brooklyn Heights couldn't get any grander, owners Roger and Victoria Desmond have surprised guests with a new lounge area in the front of their already spacious establishment.

"We noticed that sometimes people just want to hang out and drink, not sit at a table and eat the appropriate space," said their daughter manager Laura Desmond.

One wraparound, red leather banquette adorns one wall, while several red leather booths decorate two others. A windowed wall, lit by sets of candles overlooks Clark Street.

The new lounge is home to live jazz, which Palmina's features every Friday and Saturday at 8:30 pm and during Sunday brunch. Recent performers included Sheila Cooper and the Roz Corral Trio (pictured). On Oct. 2 and Oct. 8-9, the Keisha St. Joan Quartet will perform, while Cooper will continue her Sunday brunch performances.

"We're looking to expand, to be more than just a restaurant," said Roger Desmond.

DJ Ryan Brown who spins a variety of music — from Tony Bennett to Janet Jackson — recently moved his booth from the lounge room to the lounge to entertain Palmina's guests throughout the evening.

Although there is no cover or drink minimum at Palmina's, customers are free to choose from one of their many menus. The newest addition is a lounge menu, also known as "Small Plates of Savory," which includes items such as spinach pie, a Mediterranean plate with hummus and tabbouleh, and the Palmina's Burger.

Palmina's is located at 41 Clark St., at the corner of Hicks Street in Brooklyn Heights. Happy Hour is from 4 pm to 7 pm daily and includes free food and half-price drinks. Palmina's accepts American Express, MasterCard and Visa. For further information, call (718) 237-4100.

— Chiara V. Cowan

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# BROOKLYN

## Neighborhood Dining Guide

### This week: MYRTLE AVENUE

#### Castro's

511 Myrtle Ave. at Grand Avenue, (718) 398-1459 (Cash only) Entrees: \$6-\$11.50.  
The smell of grilled meats and rice and beans greets customers at Castro's, while the sounds of Mexican music boom from the jukebox up front.  
"Customers love our mole poblano because the sauce is homemade," boasts owner Humberto Castro. Chef Alberto Mendoza combines various peppers, toasted sesame seeds, garlic, chocolate, raisins and cinnamon to make this typical Mexican dish. Vegetarians can try the burrito with broccoli, cauliflower, carrots, zucchini, jack cheese, rice, beans, lettuce, tomatoes, onions, sour cream and guacamole. (Pico de Gallo is served on the side.) All entrees come with chips and salsa and a side of rice and beans.

In warmer months, enjoy a meal in the backyard patio. Castro's also offers an array of breakfast, lunch and morning specials. Delivery and takeout available. Open daily from 7 am to 11 pm.

#### Five Spot Supper Club

459-681 Myrtle Ave. at Washington Avenue, (718) 855-2002, www.fivespotclub.com (Disc, MC, V) Entrees: \$7.95-\$13.95. \*

A 60-foot box, hand-drawn floors and an intricately patterned tin ceiling decorate Five Spot's dining room, while exposed brick, crushed red velvet and a wood-burning fireplace adorn the walls where co-owners Malik and Kim Amstad have been serving down home cooking since 1999. Southern fried chicken and hickory-smoked spare ribs are just two of their popular dishes. Five Spot offers a daily lunch special for \$5.95 that includes meat (or fish) for \$6.95 and two side orders. Side dishes range from black-eyed peas and collard greens to macaroni and cheese and candied yams. Homemade cornbread is served with all dinner entrees.  
For dessert, try Five Spot's individual pecan pie or peach cobbler. In the evenings, live music or DJs perform on stage. Check the Web site for a calendar of upcoming performers. Open daily for lunch and dinner. Open for takeout from noon to midnight.

#### Gourmet Kitchen

402 Myrtle Ave. at Vanderbilt Avenue, (718) 643-9423 (Cash only) Lunch entrees: \$2.25-\$12.40.  
In traditional diner style, Gourmet Kitchen serves eggs, grits, home fries, french toast, pancakes, bacon, sausage and "comalitos galenos" for breakfast to hungry customers sitting at the counter. They even serve homemade ricotta and tomato cakes on the side. For lunch, the menu offers soups, salads and sandwiches, among other entrees. The over-stuffed Reuben sandwiches, packed with your choice of either pastrami, roast beef or corned beef, and topped with melted Swiss cheese and sauerkraut, are a real treat.  
"It is so big that when you go to eat it, you don't even leave a bite behind," says owner Jimmy Iliopoulos. Open daily for breakfast and lunch from 7 am to 5 pm.

#### Jive Turkey

441 Myrtle Ave. at Westchester Avenue, (718) 797-1688 (AMEx, MC, Visa) Whole turkeys: \$44.95-\$74.95.

Jive Turkey looks just like your mom's kitchen. The wooden countertop and cabinets hold recipe books and turkey figurines, while the curtained window just above the "kitchen sink" displays a flower box waiting for warm weather.

The signature dish at Jive Turkey is the whole fried turkey. "We deep-fry the turkeys in very hot oil for 18 to 24 minutes. The result is much juicier on the inside with a light crisp on the outside," says Jive Turkey owner Aricka Westbrook. The turkey comes in 15 different flavors ranging from honey pecan and lemon pepper to peach bourbon and Mexican mole.

Westbrook's menu only lists whole turkeys, but also serves a menu of homemade desserts including extra large Rice Krispie treats, cookies, cupcakes and tarts. While Jive Turkey offers limited seating, there is a "grab, gobble and go" menu of salads, sandwiches, meats and sides. Jive Turkey serves homemade lemonades, particularly popular on summer days, including flavors such as mango, strawberry, pink lemonade and ginger lemon. Whole turkeys can be shipped nationwide. Open daily.

#### Karrot

431 Myrtle Ave. at Clinton Avenue, (718) 522-9753 (AMEx, Disc, MC, Visa) Smoothies: \$3.75-\$4.75. \*

The best smoothie in Brooklyn can be found in Karrot, owner Carlos Aguilas says about his hip health food store. He offers two different types of organic smoothies: the Jubilee with blackberries, strawberries, blueberries, bananas, soy milk and mango juice (\$3.75) and the other with almonds, bananas, soy protein and almond milk (\$4.75). "And lots of love," adds Aguilas.  
On Karrot's shelves are international teas, fresh organic dairy products and eggs and natural beauty supplies. The store, which opened in September 2003, even stocks natural pet foods.

"We've got lots of quick cuisine stuff, lots of low-carb breads and breads/poos for the low-carb crowd, cereals, you name it," Aguilas adds. The natural food mini chain—two additional locations are at 283 Grand Ave. and 554 W. 181st St. in northern Manhattan—stocks

\* = Full review available at

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Abbreviation Key: AMEx= American Express, Disc= Diner's Club, Disc= Discover Card, MC= MasterCard, Visa= Visa

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# Let's eat cupcakes

'Cupcake Queen of Bklyn' allows a behind-the-scenes peek at successful home biz

By Chiara V. Cowan  
For The Brooklyn Papers

She does not wear a dazzling crown nor is her home a palace. No train of large, beefy men protect her every move and her chariot rarely arrives. Still, Shanah Walton, 26, the self-proclaimed "Cupcake Queen of Brooklyn," considers herself royalty.

"If I'm not confident about what I'm selling, then who else is going to be?" said Walton on a recent afternoon at the Urban Monster boutique in Clinton Hill. "I don't think I'm the Queen, no one else will believe it."

Walton's confidence stems in part from her years of experience. She has been dipping her fingers in cake mix since she was a little princess growing up in East New York where her mother and grandmother spent many evenings

cooking and baking. As an adult living in Crown Heights, she does the same. Only now she gets paid to do it.

I used to bake birthday cakes for an architectural firm in Manhattan

where I worked," Walton said. "It became a monthly thing and before I knew it, I was selling them at Christmas."

But after giving birth to her daughter Aminah Newton in August 2003, traveling to and from Manhattan with catered foods and baked goods became too cumbersome. Having already catered and baked for numerous luncheons at the architectural firm, Walton, with help from fiancé Mark Newell, began some strategizing of her own.

After having spent many dollars at Magnolia bakery in the West Village, she was suddenly waking at night with cupcakes on her brain. So Walton dug out her recipes for three-layer carrot cakes with ginger cream cheese frosting and began baking.

In January 2004, Walton officially crowned herself queen and made her

night visions a reality.

Today, Walton spends three to four days a week working part-time at Urban Monster in Clinton Hill. Weekends are dedicated to her cupcakes. On Fridays, she makes herself at home in the kitchen at Jive Turkey on Myrtle Avenue where she bakes cakes and cupcakes. Instead of paying rent to Jive Turkey owner Aricka Westbrook, Walton pays her in baked goods to be sold at the counter. At the end of every month, Walton also pays Westbrook for her share of borrowed ingredients.

On Saturdays and Sundays, Walton prints menus, takes orders, creates new recipes, plasters Brooklyn neighborhoods with fliers and delivers cupcakes. When she is unable to deliver, she relies on either Newell or her younger brother, Jordan Simon, to deliver the goods.

"Shanah is very accommodating," said Cupcake Queen customer Lynette Richardson, of Clinton Hill.

Richardson has ordered Walton's cupcakes three times since discovering her business card at Urban Monster four months ago. "One time I had to have them by a certain time to get out of town, so Shanah

brought them over herself. Nothing I asked for was too much."

The difficulty for the consumer comes in deciding which flavor of cake and frosting to choose. She offers four cake flavors, adding a fifth one with the change of seasons. For the summer, the additional flavor was strawberry "short-cake" filled with strawberries and topped with whipped butter cream and fresh strawberries. For the fall, a cherry cheesecake cupcake will grace the Queen's menu and in the winter, her Black Forest cupcake will return.

The best part about Walton is that she is open to suggestions. Perhaps cupcake lovers will soon see a pumpkin cupcake for Thanksgiving.

"I explore flavors and try different ingredients," Walton said. "If you want to do a tiramisu cupcake, I can do that, too."

Walton's cupcakes are sold at Urban Monster four months ago. "One time I had to have them by a certain time to get out of town, so Shanah brought them over herself. Nothing I asked for was too much."

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Queen for a day: 'Cupcake Queen' Shanah Walton frosts her red velvet cupcakes with cream cheese frosting then sprinkles them with pecans.

Among some of the Queen's most popular flavors are yellow cupcakes topped with a fluffy chocolate butter cream frosting and the red velvet cupcake dripping with cream cheese frosting and pecans. The red velvet cupcakes owe their deep ruby color to a lot of food coloring and a bit of cocoa. Their rich and moist texture is achieved with a "secret" ingredient Walton will only say is used instead of the butter-milk that most other bakers use.

"What makes [my cupcakes] different and taste so good is butter," Walton said. "Butter is my friend." Even with her love of butter, the cupcakes are not too heavy. No one leaves feeling full, which could be a problem; it seems impossible to eat just one.

So where did the Queen acquire her secrets? Although she has dabbled in a few culinary courses at the New York College of Technology, in Downtown Brooklyn, and the Institute of Culinary Education, in Manhattan, Walton prides herself on being self-taught.

"I've gone to school to perfect my skills," Walton said, noting that as part of her royal reality, she still takes recreational and development courses to learn new techniques.

Customers throughout the city order from Walton for birthday parties, bridal showers, baby showers, bachelorette parties and even barbecues. Walton has never taken an advertisement out in a local publication, because she relies on her cupcakes to sell themselves via fliers and business cards, but mainly through the taste sensation customers experience after chowing down. Richardson has already recommended Walton's cupcakes and services to several of her friends.

"I would use her again and again," Richardson said. "I'm already thinking about Halloween and Thanksgiving."

Walton, too, is thinking about the future. While no grand opening date has been set, she hopes to one day own a storefront where she can bake and sell cupcakes all day.

"My mother and grandmother make fun of me," Walton said. "They don't take me seriously yet. They want me to get a real job." Still she envisions a rotating menu of cupcake flavors and warm drinks such as lattes and espressos.

"That's it," said the Queen. "That would make me happy. This is what I live for."

# Pillow Cafe wakes up Myrtle Ave.

Do you ever just want to sit back, relax and sink into a heap of pillows as you read your favorite book and sip a ginger honey shake? Perhaps you just wish to indulge your health-conscious taste buds with the homemade goodness of an organic sandwich.

Whether you're thirsty, hungry, starting your day or winding down—or just need someone to talk to—Pillow Cafe and Lounge has something for everyone.

As its name suggests, Pillow Cafe and Lounge, which opened on Myrtle Avenue in Fort Greene in March, is very cushy, with pillows and little ottomans scattered all over the place. Although the pillow-covered window seat looks particularly inviting, the lounge also offers a bar with four stools (with padding of course) and four tables with cushioned chairs.

Co-owners Biola Odunwue and Robin Richardson provide their customers with a bookshelf stocked with titles ranging from classics to contemporary. The book lending operates on an honor system—they trust that you'll return what you take home.

The atmosphere inside the cafe, with walls painted red, brown and beige, is reminiscent of a warm fall afternoon. The furniture and the decor around the smallish interior are all in the same

earthy tones—matching the shades of autumn leaves.

The choice of colors is for pragmatic reasons as much as for mood.

"We wanted something warm and inviting but also durable," said Odunwue. Durability is key, since many Pillow Cafe regulars include families with young children.

"I come here most mornings because

they let Leo make a mess of the place," joked Fernando Musig, holding his 9-month-old son.

All the specialty sandwiches, salads and drinks are made inside the lounge, behind the cafe's wood-framed bar, by the owners.

"We're not chefs, but we love to make food," Richardson said. Having been on a health-food kick for the past

12 years, Richardson and Odunwue decided to open a lounge where they could serve meals they would normally eat at home.

Continuously customizing the selection of food to their customers' desires, Pillow Cafe has abandoned its standard menu. Currently, the most requested item, the signature goat cheese and sundried tomato sandwich, served with homemade pesto or sourdough bread, is rivalled in popularity by their avocado salad with fresh spinach leaves and goat cheese.

Although the choice of food offered, ranging from a peanut butter and jelly sandwich with banana to a smoked salmon salad, changes from month to month, one thing is constant: everything is made from organic ingredients.

Thirsty or not, diners should experience the magic of Pillow Cafe's ginger honey shake (small \$4.50, large \$5.50), a concoction of low-fat yogurt, mango nectar, ginger and honey. If you're not a ginger-lover, you will be.

Pillow Cafe and Lounge (372 Myrtle Ave. at Adelphi Street in Fort Greene) accepts cash only. Entrees: \$3.95-\$7.50. The restaurant is open daily (Monday through Friday, from 7:30 am to 6 pm; Saturdays and Sundays, from 9 am to 7 pm). For more information, call (718) 246-2711.

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# Space oddity

NASA contributes otherworldly sounds to Terry Riley's multimedia work 'Sun Rings'

By Kevin Filippski  
for The Brooklyn Papers

Terry Riley may be the founding father of minimalism — his 1965 composition, "In C," was the piece that begat the hypnotically repetitive musical genre made famous by Philip Glass, John Adams and Steve Reich — but the 69-year-old composer could never be accused of working with minimal means.

A case in point is "Sun Rings," an 80-minute work receiving its New York premiere at the Brooklyn Academy of Music's Howard Gilman Opera House Oct. 6 and Oct. 8-9 in a multimedia performance that includes the always-adventurous Kronos Quartet (frequent Riley collaborators) and the 70-voice Dessoff Choirs. "Sun Rings" was commissioned by — among many other institutions, including BAM — the National Air and Space Administration.

Yes, that NASA. As Riley recently told GO Brooklyn in a telephone interview from his California home-studio, "NASA came to Kronos and asked them to find a composer to work with these sound detectors that they had recorded over the years from various space stations. It was kind of an opportunity time for me because I was interested in working on a piece that would involve elements like natural sounds anyway. I began working with digital audio after not working for many years with electronics, so it looked like a good opportunity for all that to come together."



Heavenly music: The Kronos Quartet (above) and Dessoff Choirs will perform Terry Riley's composition "Sun Rings" at the Brooklyn Academy of Music opera house Oct. 6, 8 and 9.

"These sounds were recorded millions of miles away, and it stimulated my imagination."

The sounds that Riley mentions are, much more figuratively than literally, outer-space music: deep-space lighting and solar winds are but two of the magnificent and otherworldly sounds NASA's detectors recorded for posterity.

Because NASA has been recording these sounds regularly since the 1960s, Riley admits that he's probably only heard the tip of an extremely large iceberg.

"I had actually quite a bit of material — I never added it up — but I had several tapes that were at least a couple of hours total to listen to all of them," he explains. "They've recorded thousands and thousands of hours of sounds, and these were selected by NASA for their 'sound,' so to speak, and how interesting they are. I got a selection of these sounds, which was more than sufficient for me to work with."

"Sun Rings" took shape when Riley was able to forge a relationship between the intergalactic noises on the tapes and how they related to the Kronos' unique way of collaborating as a string quartet.

"I ended up taking melodies and rhythms that were embedded in the sounds for the string quartet," he says.

## Hero complex

Park Slope playwright's 'The Fallen' never gets off the ground

By Paulanne Simmons  
for The Brooklyn Papers

In 1911, 146 immigrant workers died in the Triangle Shirtwaist Company fire because the owners kept the doors locked and the lone fire escape buckled under the weight of the fleeing girls.

In 1912, 1,500 men and women lost their lives when the Titanic hit an iceberg and sank because the owners of the cruise line had skimped on construction, the captain refused to reduce the ship's speed despite warnings of treacherous waters, and proper safety precautions had never been put in place.

In 1941, 2,403 military personnel and civilians were killed when the Japanese launched a sneak attack on Pearl Harbor.

Yet none of these events seems to have had the psychological and emotional impact of Sept. 11, 2001 — the fear, the anger, and the conviction that nothing will ever be the same again. One way of dealing with this emotional overload is by creating heroes and villains, something that's done extraordi-

narily well through propaganda.

From serious drama, we have the right to expect something better.

"The Fallen 9/11," a new play by Park Slope resident Robert Marsee, now at the Producers Club Grand Theater in Manhattan, begins with a 9/11 survivor, Michael Sinclair (Kent Gilze), visiting the grave of his hero, firefighter Terry Rourke (Timothy Davis). Sinclair is accompanied by St. Barbara (Heather McHugh), who warbles "Where were you the day the angels cried, the day our innocence died?" (The lyrics to "Where Were You" were written by Marsee and McHugh, to music composed by Bronwen Coleman.)

The rest of the play continues with a mind-boggling assortment of platitudes. Here's an inadequate taste: "Maybe you must be almost impossible for you to negotiate your way through all this debris" — a sentence many people might have trouble enunciating under the best of circumstances.

It's not a bad song, and the event was certainly sorrowful, but this reviewer would like to know why the angels only cried on this particular date and how these heavenly beings decide whether or not a tragedy is worthy of tears — let's say the death of Americans versus the death of Saddam.

Be that as it may, that saccharine moment passes and the action soon shifts to



Touched by an angel: Timothy Davis as firefighter Terry Rourke and Heather McHugh as St. Barbara in "The Fallen 9/11" at the Producers Club Grand Theater.

driven. And good characters are real people who stand out as individuals, not generic heroes.

In place of character and plot, Marsee gives the audience a play-length "reach out and touch" moment. Sinclair and Rourke exchange confidences. They talk about their families: Rourke is happily married and devoted to his wife and children; Sinclair is stuck in an apparently loveless marriage. They examine their ideals (in Sinclair's case his lack thereof). They find out that they were both raised in Brooklyn. But nothing is ever explored in any depth.

Under Rourke's tutelage, Sinclair comes to realize that he needs to make a change in his empty life, dedicated to the study of material goods. The noble Rourke learns how to — well, let's not

write a eulogy to the fallen firemen he forgets that good plays are character

See **FALLEN** on page 13

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Declan Donnellan / Nick Ormerod

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"This production is wonderfully true; a fast-paced, emotional and beautifully acted rendition of the old tragedy that is fresh and compelling."—Sydney Morning Herald

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Terry Riley / Kronos Quartet  
OCT 6—9

Combining sounds and images captured by NASA, Riley's score for Kronos and the Dessoff Choirs features dazzling 40-foot projections of the universe and explores the relationship between humans and the cosmos.

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TR Warszawa / Krzysztof Warlikowski

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Polish director Warlikowski makes his U.S. debut with his haunting adaptation of *The Dybbuk*, a penetrating inquiry into what it means to be a Polish Jew.

In Polish with English surtitles.

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Robert Wilson / Bernice Johnson Reagon

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A PASSAGE TO INDIA  
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Photo from *Come home Charley Patton*: Dan Merlo







# COURT JESTERS

## Brooklyn barristers take on stand-up stage

By Jotham Sederstrom  
The Brooklyn Papers

By day, Lorca Morello is a lawyer for the Legal Aid Society, representing indigent people faced with charges ranging anywhere from mooning a cop to murder.

Among her clients, says Morello, is a man named Michael Taylor, who is currently facing a death sentence in Alabama for a triple homicide she believes he was falsely convicted of 10 years ago, when he was 19.

But like the cop who cackles when the crook accidentally shoots himself, or the psychiatrist stifling guffaws at the whistles of her most anxious subjects, Morello believes that for life's maladies laughter is truly the best medicine.

As proof, take her night job: standup comedian.

As conflicting as it may seem — especially working in a profession that's the bane of so many jokes — the oil-meets-vinegar combo co-les as hilariously as Oscar Madison and Felix Unger.

"Comedy is very strenuous in its own way — it's certainly more fun than going to court, but I think there is a sort of connection somehow," said Morello. "You just have to laugh at some of these things that are so ridiculous."

Morello, a Park Slope resident, is one of four Brooklyn

lawyers butting for the title of "Legal King of Laughter," a competition hosted by the Laugh Factory in Times Square that began in July. After several rounds of the competition, the final four will face off this month for the top prize, a trip to the West Coast to battle, you guessed it, L.A. lawyers. The competition is one in an ongoing series of career-oriented contests hosted by the comedy club at Eighth Avenue and 42nd Street.

"It's been great," said Megan Waldrep, a spokeswoman for the club. "It's actually launched a whole new genre. Pretty soon we will be doing funniest policeman, funniest taxi drivers, you name it."

Waldrep said the series, which initially drew more than 40 lawyers cum comics from the tri-state area, has been a success, thanks in part, to the country's newly embraced knowledge of basic law terminology.

"Having Court TV on has helped a lot," said Waldrep. "From watching that, and especially some of these big cases like Kobe Bryant and Michael Jackson, people have become really well-versed."

A graduate of Brooklyn Law School and the American Comedy Institute, Morello said the series has given her a rare opportunity to show off her most legal-minded material, an oeuvre that she says tends to fly over the heads of



William Wexler, of Brooklyn Heights, performing at the Village Lantern in Manhattan, pokes fun at his financial problems and religion — anything except the practice of law.

laymen. Because the audience, so far, has been comprised mostly of lawyers — with a sprinkling of the club's regular tourist fare — the courthouse comics have been unleashing their most jargon-ridden jokes.

A result of the city's increasing property values, Morello's monologue is filled with riffs on her unwanted move from Manhattan's Upper West Side to Brooklyn five years ago ("I don't want to dis-

people who are really from Brooklyn. I value my kneecaps," goes one of her jokes). But tucked between those gags are observations that Jerry Seinfeld would die for — if he were a lawyer performing for other lawyers, that is.

"Law school was a disaster. I didn't know what they were talking about," Morello riffs in her monologue. "When exam time came around, I'd just fill up the bluebook with, 'This page is intentionally left blank.'"

Morello said that joke drew an uproar from lawyers in the audience, who understand the law school practice of including blank pages in legal texts. She said that most of her peers have distanced themselves from judicial jests.

"It's the first time I've been able to do material about law," said Morello. "When I try this at other clubs, it takes a really long setup and I usually have to explain what terms like 'preservation' mean."

For the legally blind, or rather those blind to legalese, William Wexler may be the cure. A Brooklyn Heights resident, the election lawyer prefers to highlight his religion, financial problems, slice-of-life tales and personal foibles — in other words, anything other than his career.

"I do very little on the practice of law," said Wexler, a lawyer since 1979. "I talk about the pain of being a few

with a law degree and having no money. I do some political stuff, some racial stuff and observational stuff. That's about it."

Matt O'Brien, a Fort Greene resident, actually considers his standup stint a full-time job. Like Morello and Wexler, the 28-year-old performs several times a week, at places like Gotham in Midtown and the Village Lantern. Unlike them, however, he recently hung up his suit and tie to dedicate his time to performing and writing new material. But that doesn't mean he'll be doing legal jokes anytime soon.

"I stay away from it," said O'Brien, who until recently worked in a private practice in Manhattan. "The legal profession brings nothing but tears."

Morello said that although moonlighting as a comic has its perks, separating her two loves sometimes poses a challenge. As a lawyer with a clientele composed primarily of accused criminals, the side gig is a potential deal breaker for those worrying that their case could become a laughing matter.

When contacted by The Brooklyn Papers, for instance, she sighed in relief after learning that the reporter wasn't calling from the Law Journal. "They all read it in prison," she said. "And that, for me, would be a bad thing."

## MARTY...

Continued from page 1

ing, and his own, was that "more people should be included in this conversation."

To that, Schelle Hagan, the other founder of PHAC, smiled. "We're the 800-pound gorilla that's not in the room," she said, pausing to set down her poster board sign protesting Prospect Heights' absence at the meeting.

Sandy Balboa, president of the Atlantic Avenue Betterment Association, huddled on the steps of Borough Hall rubbing her exposed arms on the chilly early autumn evening with a glum expression on her face. She appeared the unwitting protester, and stayed seated while the others handed out flyers.

For Balboa, this was personal.

"I didn't know what to do," she said, when she learned that the meeting required an invitation letter, which she and the 7-year-old organization never received. Like many of the invitees, her group just recently joined DDBB's coalition against the proposal.

The letters, dated Sept. 22, identified invitees as "active residents" and proclaimed Markowitz's commitment to "finding solutions to community concerns... for your neighborhoods and for all of Brooklyn."

"I'm on four task forces at Borough Hall. I've been to 200 meetings here," said Balboa. "I'm not some radical nut."

Lucy Koteen, a member of the Fort Greene Association as well as Develop-Don't Destroy Brooklyn, signed in to the meeting with her married name, Young, to avoid being recognized and ejected as a member of DDBB.

Outside, in a hushed voice, Koteen told The Brooklyn Papers that the biggest request at the meeting was to hasten the developer come and talk to the group about the state process of review for the land.

"[The borough president's office] made assumptions that it would go through the Empire State Development Corporation," she said. "They did not want us to even talk about the possibility of ULURP. Koteen said, referencing a much more stringent and publicly accessible city-level review process that was recently urged by three local community boards."

Though Prospect Heights resident Gib Vecconi, founder of the Prospect Heights Neighborhood Development Council, which he started this past February, said the meeting was a positive step, he was dismayed at the turnout.

"Even though the project is located almost entirely in Prospect Heights, in a meeting of 30 people, only two were from the neighborhood," he said. "I think this is an issue. Not to infer it was planned that way, but I think going forward, in order for processes like this to gain traction, people in the community have to feel like they're being well represented."

## RATNER...

Continued from page 1

quota of minority and women for available jobs, that seven acres of the project will be devoted to open space for a mix of recreational uses, and the icing on the cake: a project labor agreement that labor unions have reportedly signed on to, allowing 25 percent of the hires to come from the neighborhood by providing temporary union status to employees of local contractors.

Until this week, Ratner's commitment was still unknown to the larger community. But the group, which has been meeting every Tuesday for the past eight weeks, has recently stepped up efforts to hurry the CBA along and is targeting a Nov. 1 completion date, according to sources.

### The players

Borough President Marty Markowitz has been overseeing the discourse, a Markowitz spokesman confirmed, and the three community boards that will be affected by the project — CB2, CB6 and CB8 — have been represented by their district managers and chairpersons. Three other organizations were hand-selected by Ratner last March and April to represent the community.

Sharing seats at the table are the ACORN Housing Corporation, a local chapter of a nationwide advocacy group; Brooklyn United for Innovative Local Development (BUILD), a Prospect Heights-based community group; and the Downtown Brooklyn Oversight and Advisory Committee (DOBAC), which has played a longstanding role in negotiating hires for minorities and women.

Tensions boiled over when the invitation from Forest City Ratner to the DBLC, a dynamic and sizable group of local clergy and politicians, never seemed to materialize.

At a Town Hall meeting organized by DBLC Thursday night at the Hanson Place United Methodist Church in Fort Greene, DBLC members presented Forest City Ratner Executive Vice President Jim Stuckey a draft of their own CBA, with a demand for it to be at the table. A boycott of Ratner's new Atlantic Terminal shopping center was threatened if they were denied.

"We're no longer going to sit around and let people come into the community and assume that people will sit back and be silent," said the Rev. Anthony Trufant. "That day has come, and that day is gone. It is a new day."

When Stuckey's turn came to speak he wasted no time.

"You were invited to the wedding, the seat's been open for eight weeks. Please come to the reception," was Stuckey's response, to which several of the reverends rose and shook his hand, but others remained seated and fumed.

### Silence from community boards

Word that community board leaders have been meeting with the developer, coming just two weeks after the boards publicly demanded that Ratner's project be subject to the city's land use review process rather than the less stringent state review, had some community members scratching their heads in disbelief.

"What I find surprising is that the community boards are in meetings that they haven't made public," said Daniel Goldstein, a leader of the anti-Atlantic Yards group Develop-Don't Destroy Brooklyn.

Goldstein was surprised to hear about the meetings. "It's an illegitimate negotiation," he said, noting the board chairs were attending the meetings on behalf of a constituency ignorant to the plans. Community Boards 2, 6 and 8 all drafted resolutions urging Mayor Michael Bloomberg and Gov. George Pataki to put the plan through city oversight, yet one of the foregone conclusions of participants in the CBA meetings is that the land disposition and review will take place on the state level.

"What does it mean if they're behind the scenes accepting and negotiating a private agreement?"

The leaders of the community boards, however, did not feel the one way was contradictory to the other.

"Ongoing negotiations are not something that is typically done in the public forum," said Craig Hammerman, district manager of Community Board 6, who said he'd been attending meetings with board chairman Jerry Armer.

Hammerman said they were invited to participate "mostly in observation" and that it would have been irresponsible not to attend. Asked why their fellow community board members were not apprised of their attendance at the meetings, Hammerman said announcing their participation at community meetings wasn't necessary.

"You're a guest at a party; it's generally not your role to invite other guests," Hammerman said.

Anti-arena plan activist Patti Hagan, of the Prospect Heights Action Coalition, was livid at hearing the news.

"That the communities and the community groups have been excluded — it's a miscarriage of democracy!" she said. "How can [Ratner] call it a community meeting?"

Hagan said she wasn't sure if her group would take action, but didn't think it was fair for the community boards' leaders to be at the ULURP in public and privately negotiate for a state-level process.

"I thought you only made one such agreement with the community," she said, adding, "I think it's weird."

Robert Peris, district manager of Community Board 2, echoed Hammerman's sentiment, and confirmed that he and board chairman Shirley McRae were "sitting in on discussions about a CBA primarily in an advisory capacity."

Peris said that the whole district's understanding would be more important once the deal was formalized, at which time it will review the agreement and "address public facilities," the review of which is mandated by the City Charter.

Community Board 8 confirmed that they had been involved in the negotiations, but said their board members were made aware of the fact.

Stuckey said there was no clause of confidentiality imposed on attendees of the meetings, but ventured that the community board chairs or district managers, "may have felt uneasy about bringing it to work with as a board," and were afraid messages would be mixed up as "details are still being hammered out."

Even an insider to the negotiations, the DOBAC's Bill Howell, reacted with surprise when he read about the boards' ULURP resolutions.

"I wasn't aware that the community boards had voted to try and do the ULURP process," said Howell. "But then, our sole purpose is the discussion of a community benefits agreement."



## Awesome Antic

Sunday's 30th anniversary Atlantic Antic, along Atlantic Avenue from Furman Street to Fourth Avenue, drew a huge crowd (at left, as seen from above Third Avenue) including (below) Atlantic Avenue LDC President Candace Damon, state Sen. Velma Montenegro, Assemblywoman Joan Millman, Borough President Marty Markowitz and City Council Speaker Gifford Miller, holding aloft his son, who helped cut the anniversary cake. Above, members of the New York City Flyers perform on a trampoline.



## BOUDOIR...

Continued from page 1

"We've had less music this year," McConnell said, citing the neighbors and a push from three people in particular. "Those three people have cost me \$5,000," she said, both in fines from the city Department of Environmental Protection, which handles noise complaints, and the money she's spent on attorneys and in court, fighting summons after summons.

Sitting inside the bar, near the small stage at the back of the room, is a wooden box with a padlock and slot in the top.

"I'm not opening up that box for another month," said McConnell. "That's why it's a secret ballot. Personally, I'd rather know if there's a consensus, or if it's just these few people that are causing me misery."

Aside from the inevitable problems of noise with which

many other Smith Street bars cope, McConnell suspects that the salacious theme of the bar in a neighborhood disaffiliated of change may have contributed to the slew of complaints and DEP investigations that have been lodged against her.

"Of course, it doesn't help that the bar has been barely staying afloat financially, now stripped of its use of the garden after 10:30 pm, and of the ability to play much of any music without receiving at least a few phone calls."

"You have a staff to pay, you have overhead," said McConnell, who wished the role of bars in increasing property values was more appreciated.

"When I was a real estate agent in 1992, you wouldn't walk down this street at night," she said. "Now people's buildings are worth a lot

of money."

Although McConnell said she's made an effort to reach out to residents by attending community board meetings and going to the president of the Sackett Street Association, Jim Canham, nothing seems to work.

"I've written letters saying I'll throw a party, a tea, for free," McConnell said, as an offering after she got calls for playing rap music too loud.

"Then I got my ticket," she said, which happened two weeks ago — a \$750 fine from DEP.

Canham agreed that McConnell's business was taking strains to appease the neighborhood group.

"It seems like the Boudoir was targeted," he said. "I feel bad for the woman. She's doing everything she can do keep her head above water."

But he also tried to explain the perspective of the neighborhood.

"People lived here for years with no bars," said Canham. "You cannot stop an individual from calling 311 or 911, but when you have one individual that constantly complains, you have to respond."

Located on one of the busier blocks of ultra hip Smith Street, the bar has high-end restaurants on either side of outdoor street-side cafes, both of which have been subject to extraordinary fines — one hit with a \$10,000 fine for putting takeout menus on parked cars.

A resident of Sackett Street and enforcement agent for the CPA, Diane Buxbaum, said she has called 311 in the past because of noise problems, not only at Boudoir Bar, but at basically all the surrounding bars and even some restaurants.

"I've had a problem with all the bars for the past three years," she said. "For me it's only the noise." She said, though, that she had seen differences lately, except for an

incident two weeks ago.

"They were out there making hysterical loud laughter, like a comedy scene — it was horrific," Buxbaum said, but admitted she wasn't entirely sure whether it was coming from Boudoir Bar.

In general, she said, McConnell "has made every effort recently to cut the excess noise. I'm hoping that it continues."

Police at the 76th Precinct say they haven't had problems with the bar. Bar owners, meanwhile, have formed an association, which has been holding meetings with community members and restaurant owners to discuss the problems.

"We identify more and more bars and restaurants that are getting 311 complaints," explained Police Officer Paul Grudinsky, a spokesman for the precinct. "What we do is contact the bar owners and the complainants and invite them to join in the meetings."

But if McConnell wants to

expand her venue, as she has talked about, to include more ragtime, soul and piano music, she may have to look elsewhere for the space.

Buxbaum said she doubted the bar could ever succeed with music in such a residential area. And Shawn Schwartz, owner of Halcyon, once a coffeehouse cum record shop that was a pioneer of Smith Street's hipster vibe, said he never could have grown in Carroll Gardens.

"There was an overall change in the neighborhood," said Schwartz. "It was what we had hoped for going in, but it became something else along the way." He said the concessions they made to their neighbors didn't do anything to lessen the level of complaints they received. After five years of operation they were "hitting a wall," said Schwartz, with his partner has since moved the shop to DUMBO.



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